



THE CITY OF SAN DIEGO

City of San Diego
Office of the City Clerk
202 C Street
Second Floor
San Diego, CA 92101
(619) 533-4000

Recommendations

Community Planning Group/
Staff's/Planning Commission

Project Manager **must** complete the following information for the Council docket:

CASE NUMBER: 112854

Staff's:

Please indicate the recommended action for each item (i.e. Resolution/Ordinance):

DENY the appeal and DENY CUP 379109 and PDP 542264.

Planning Commission:

(List names of Commissioners voting yea or nay)

YEAS: 4 – Naslund, Ontai, Otsuji, Golba

NAYS: 1 - Schultz

ABSTAINING: 2 – Griswold, Smiley

Recommended Action: MOTION by Commissioner Naslund to add a condition to retrofit the existing monopole to make it look like a monopalm. Commissioner Ontai added that Verizon should work with Staff on the outcome of the final product and to continue with Naslund's motion to APPROVE CUP No. 379109 and APPROVE PDP No. 542264 as presented in Report No. PC-08-067. Second by Commissioner Ontai. (Commissioner Griswold and Smiley not present.) Resolution No. 4422-PC

Community Planning Group:

Choose one:

LIST NAME OF GROUP:

- ☐ No officially recognized community planning group for this area.
- ☐ Community Planning Group has been notified of this project and has not submitted a recommendation.
- ☐ Community Planning Group has been notified of this project and has not taken a position.
- ☒ Community Planning Group has recommended approval of this project.
- ☐ Community Planning Group has recommended denial of this project.
- ☐ This is a matter of City-wide effect. The following community group(s) have taken a position on the item:

In favor: 12

Opposed: 0

By: A Hampton
Project Manager



THE CITY OF SAN DIEGO
MAYOR JERRY SANDERS

M E M O R A N D U M

DATE: July 2, 2008

TO: Planning Commission Chair and Members of the Planning Commission

FROM: Alexander Hempton, AICP, Associate Planner, Development Services

SUBJECT: Verizon Murphy Canyon (PTS #112854)
July 10, 2008 Planning Commission Hearing

REF.: Report to Planning Commission, #PC-08-067, dated May 29, 2008

On June 5, 2008, the Planning Commission voted to continue this project to July 10, 2008 in order to provide Verizon Wireless an opportunity to revise their plans to comply with the Wireless Communication Facility (WCF) regulations.

Verizon Wireless has decided not to modify this facility and instead is proposing to maintain the facility "as-is." John Bitterly, representing Verizon Wireless, has submitted a letter and draft findings for the Planning Commission to review (Attachment 1). No new plans or photo simulations have been provided as no changes have been proposed since the last hearing.

Staff continues to recommend denial of the Conditional Use Permit (CUP) and Planned Development Permit (PDP) as the findings to support these permits cannot be made in the affirmative.

A handwritten signature in black ink, appearing to read "Alexander Hempton".

Alexander Hempton, AICP
Associate Planner

Attachments:

1. Letter from John Bitterly, The Planning Consortium, Inc., representing Verizon Wireless
2. Draft Findings for CUP and PDP from John Bitterly

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THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: May 29, 2008

REPORT NO. PC-08-067

ATTENTION: Planning Commission, Agenda of June 5, 2008

SUBJECT: VERIZON – MURPHY CANYON: PROJECT NO. 112854. PROCESS 4.

OWNER/ RREEF America REIT II Corp. JJ/
APPLICANT: Verizon Wireless

SUMMARY

Issue(s): SHOULD THE PLANNING COMMISSION APPROVE A 65-FOOT HIGH MONOPOLE ANTENNA STRUCTURE WITHIN THE KEARNY MESA COMMUNITY PLANNING AREA?

Staff Recommendation:

1. **DENY** Conditional Use Permit No. 379109; and
2. **DENY** Planned Development Permit No. 542264.

Community Planning Group Recommendation: On March 21, 2007 the Kearny Mesa Planning Group voted 12-0-0 to recommend approval of this project as presented (Attachment 13).

Environmental Review: This project was deemed to be Exempt from the California Environmental Quality Act (CEQA) and State CEQA Guidelines on October 17, 2006 (Attachment 14), pursuant to Article 19 of Guidelines, Categorical Exemptions, Section 15301, "Existing Facilities."

Fiscal Impact Statement: Verizon Wireless is the financially responsible party for this project and is paying for costs associated with processing this application. If the project is denied, the City's Neighborhood Code Compliance Division of the Development Services Department would take code enforcement action. The code enforcement action would be funded by the general fund.



Code Enforcement Impact: If the Conditional Use Permit and Planned Development Permit are not approved, this facility will be referred to Neighborhood Code Compliance for code enforcement action. Neighborhood Code is funded by the City's General Fund.

Housing Impact Statement: Not applicable.

BACKGROUND

This existing Major Telecommunication Facility was previously permitted with Conditional Use Permit (CUP) No. 96-0172 (Attachment 18) which was approved by the Planning Commission on May 30, 1996. The previous CUP allowed for the removal of roof-mounted antennas and the construction and operation of a 55-foot monopole with antennas reaching 65-feet. Condition 7 of the permit stated that the CUP would expire ten years after the date of City approval, which was May 30, 2006. An application for a new CUP was submitted by Verizon Wireless and deemed complete by the City on September 12, 2006.

This facility is located at 9323 Chesapeake Drive (Attachment 3), near Ruffin Road, in the Kearny Mesa Community Plan Area. The zone is Light Industrial, IL-2-1. The Community Plan specifies the land use designation as "Industrial and Business Parks" (Attachment 2). The facility is surrounded by office park developments, also located within the IL-2-1 zone (Attachments 1 and 4).

Verizon Wireless is requesting reinstatement of their land use entitlements by maintaining the facility "as-is" with no changes (Attachment 12). Since the original monopole was constructed, the City adopted new Communication Antenna regulations (LDC 141.0405, Attachment 16). The existing facility does not meet the City's new regulations in the Land Development Code, nor the City's General Plan. The facility as it exists is defined as a "Major Telecommunication Facility" since it does not meet the criteria for a "Minor" facility. Per 141.0405(e)(1), a Minor Telecommunication Facility is one where the "facility, including equipment and structures, is concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that compliment the scale, texture, color, and style), unique design solutions, or accessory use structures."

Major Telecommunication Facilities are permitted with CUP's in accordance with Process 3, subject to criteria discussed below. Since the existing antennas encroach approximately 3 feet into the required 10-foot side yard setback, a Planned Development Permit (PDP), Process 4 is required for a deviation from the IL-2-1 base zone development regulations. In order to approve this project, the Planning Commission needs to make the findings for both a CUP and a PDP (Attachment 7).

DISCUSSION

This project does not comply with the Communication Antenna regulations for Major Telecommunication Facilities. Land Development Code (LDC) 141.0405(f)(2) requires that these facilities "be designed to be minimally visible through the use of architecture, landscape architecture, and siting solutions."

When the monopole was originally designed, design criteria requiring the use of architecture, landscape architecture, and siting solutions did not exist. With Verizon Wireless' application for a new CUP and PDP, their intent is to keep the facility "as-is" with no changes. The Code and General Plan both require these facilities to be designed to be minimally visible. Verizon Wireless has not made any effort to design this facility to be minimally visible in order to comply with the current regulations.

In some respects, this facility meets the requirement of "siting" as it is located toward the interior of the property away from the public right-of-way. However, the facility is located adjacent to the interior property line, which makes the facility highly visible to the adjacent properties. The existing monopole does not comply with the regulations through architectural means. No architectural elements have been provided to integrate the antennas with the existing architectural design of the business park and no architectural elements have been provided to improve the aesthetic qualities of the facility, thus making the antennas and the support structure minimally visible. Existing landscape material minimizes views of the facility from some angles, however landscape architecture has not been comprehensively employed to make the facility minimally visible. If architectural and landscape design elements were utilized to integrate the facility with the subject property, the project would have the potential to meet the Communication Antenna regulations.

In addition to the design requirements, Major Telecommunications Facilities are not permitted within ½ mile of another Major Telecommunication Facility, unless the facility is concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement, unique design solutions, and accessory use structures. There are other facilities, both public and private, that could be considered "major" telecommunication facilities within ½ mile of this facility. Since this facility does not meet the design requirements listed above, the facility does not comply with 141.0405(f)(1)(C).

One of the findings for a CUP is that the project complies to the maximum extent feasible with the regulations of the LDC. Clearly, this project does not comply to the maximum extent feasible as no effort has been made to modify the project to comply with the new regulations.

In addition to this project's non-compliance with the Municipal Code, it also does not comply with the City's General Plan, Section UD-A.15, a. and b., which states:

Minimize the visual impact of wireless facilities.

- a. *Conceal wireless facilities in existing structures when possible, otherwise use camouflage and screening techniques to hide or blend them into the surrounding area.*

This project does not comply as camouflage and screening techniques have not been employed. In addition, the facility has not been concealed within an existing structure.

- b. *Design facilities to be aesthetically pleasing and respectful of the neighborhood context.*

This facility does not comply with the regulations because it is not aesthetically pleasing and is not respectful to the business park context.

- c. *Conceal mechanical equipment and devices associated with wireless facilities in underground vaults or unobtrusive structures.*

This facility does comply with section "c" as the associated equipment is located within the existing building.

The findings required to support a PDP or a CUP cannot be made in the affirmative (Attachment 7) because Staff has determined that the existing monopole antenna structure no longer complies with either the City's Land Development Code or General Plan. Therefore, Staff cannot make the findings for the PDP and CUP as required.

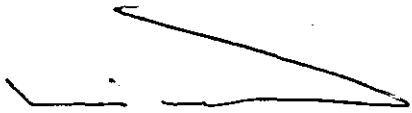
Conclusion:

Verizon Wireless should submit a proposal for a Wireless Communication Facility that complies with the current Wireless Communication Facility regulations, LDC 141.0420, and the Wireless Communication Facility Design Guidelines. A facility that complies with the development regulations in an industrial zone may be processed as a Limited Use, Process 1. If the facility is completely concealed and architecturally integrated, staff may permit a facility with no expiration date.

ALTERNATIVE

1. **Approve Conditional Use Permit No. 379109 and Planned Development Permit No. 542264, with or without modifications.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Alex Hempton, AICP
Associate Planner
Development Services Department

BROUGHTON/AFH

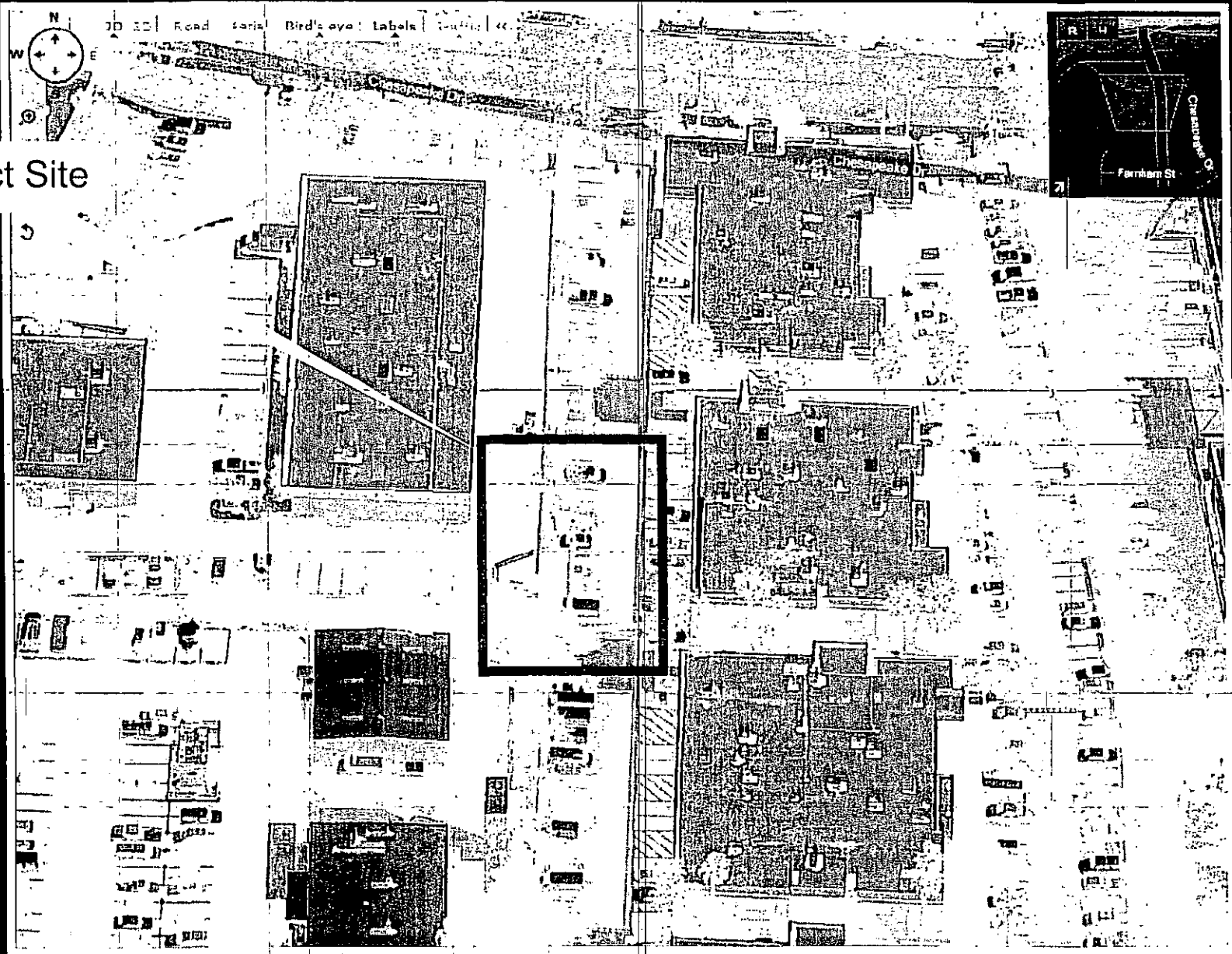
Attachments:

1. Aerial Photo
2. Community Plan Land Use Map
3. Project Location Map

4. Project Data Sheet
5. Project Plans
6. Draft Permit
7. Draft Resolution
8. Ownership Disclosure Statement
9. Project Chronology
10. Site Photos
11. Justification Map
12. Justification Letter
13. Community Planning Group Recommendation
14. Environmental Exemption
15. Notice of Public Hearing
16. Communication Antenna Regulations, LDC 141.0405
17. FAA Determination of No Hazard
18. CUP 96-0172

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ATTACHMENT 1



Project Site

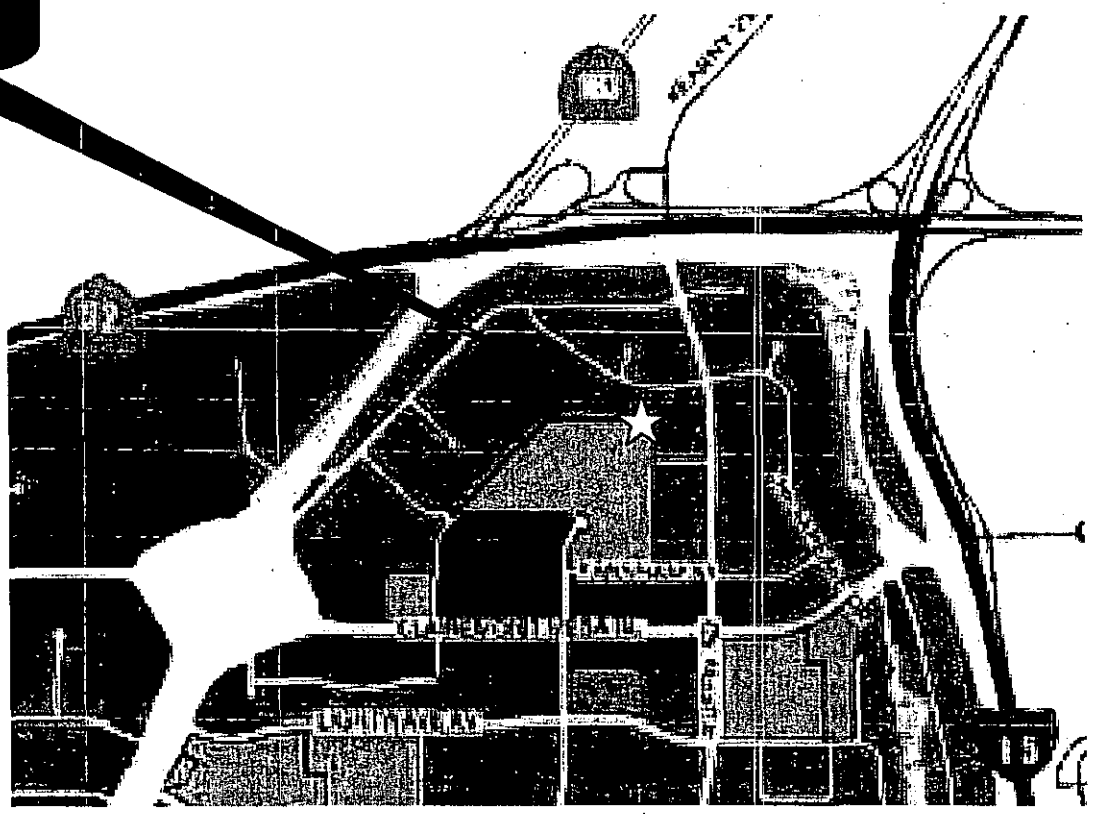


Aerial Photo

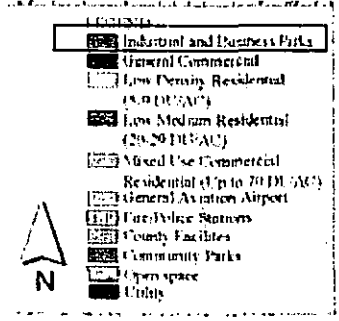
Verizon Murphy Canyon – Project Number 112854

9323 Chesapeake Drive

Project Site



Designated
"Industrial
and
Business
Parks."



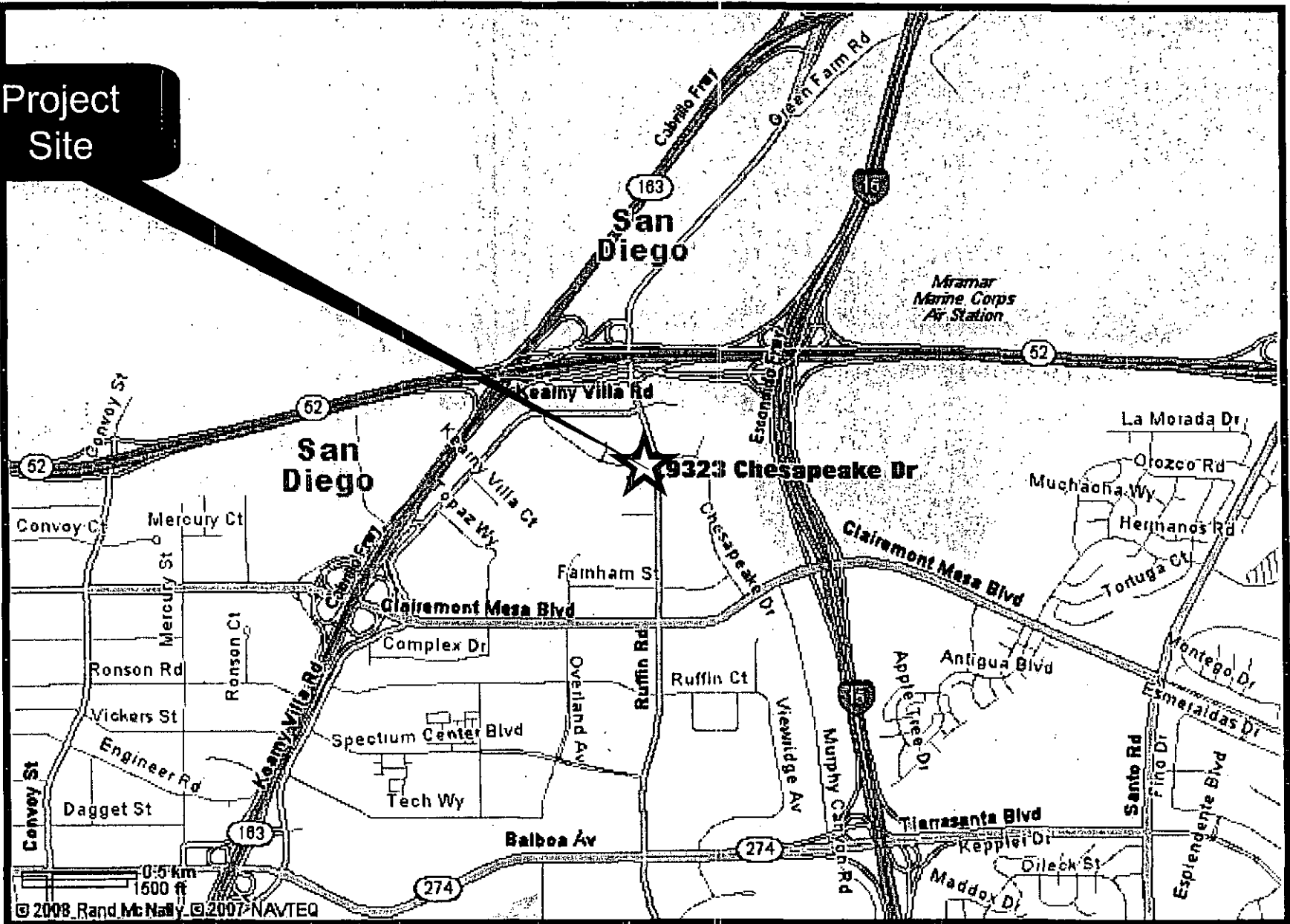
Community Plan Land Use Designation

Verizon - Murphy Canyon, Project Number 112854

9323 Chesapeake Drive



Project
Site



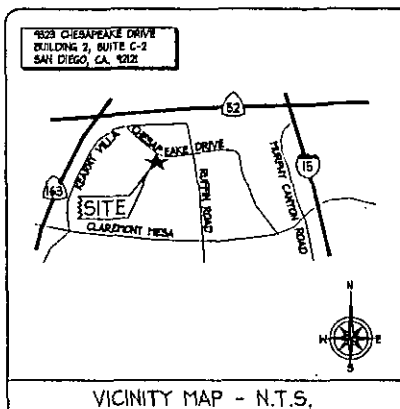
Project Location Map

Verizon – Murphy Canyon – Project Number 112854

9323 Chesapeake Drive



PROJECT DATA SHEET		
PROJECT NAME:	Verizon – Murphy Canyon	
PROJECT DESCRIPTION:	Communication Antenna Facility: A 55-foot tall antenna support structure with a maximum antenna height of 65-feet tall. The facility will contain a maximum of 30 directional antennas, 6 omni-directional antennas, and 2 digital dish antennas. Associated equipment is located within the adjacent office building.	
COMMUNITY PLAN AREA:	Kearny Mesa	
DISCRETIONARY ACTIONS:	Conditional Use Permit and Planned Development Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Industrial/Business Parks	
<p style="text-align: center;"><u>ZONING INFORMATION:</u></p> <p style="text-align: center;"> ZONE: IL-2-1 HEIGHT LIMIT: None FRONT SETBACK: 15/20 feet SIDE SETBACK: 10 feet STREETSIDE SETBACK: 15/20 feet REAR SETBACK: 0/15 feet </p>		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Industrial/Business Parks IL-2-1	Light Industrial/Office Buildings
SOUTH:	Industrial/Business Parks IL-2-1	Light Industrial/Office Buildings
EAST:	Industrial/Business Parks IL-2-1	Light Industrial/Office Buildings
WEST:	Industrial/Business Parks IL-2-1	Light Industrial/Office Buildings
DEVIATIONS OR VARIANCES REQUESTED:	An encroachment by the antennas of approximately 3.5 feet into the side-yard setback.	
COMMUNITY PLANNING GROUP RECOMMENDATION:	Voted March 21, 2007 to approve the project as presented, 12-0-0.	



MURPHY CANYON

DIRECTIONS TO SITE

START OUT GOING SOUTHWEST ON SAND CANYON AVE TOWARD WATERWORKS NAT. MERGE ONTO I-805 S TOWARD SAN DIEGO. I-805 S BECOMES I-5 S. KEEP LEFT TO TAKE I-805 S. MERGE ONTO CA-52 E. TAKE THE KEARNY VILLA RD / JUNCTION I-5 EXIT. TAKE THE KEARNY VILLA RD EXIT. TURN RIGHT ONTO KEARNY VILLA RD. STAY STRAIGHT TO GO ONTO RUFFIN RD. TURN RIGHT ONTO CHESAPEAKE DR. END AT 9323 CHESAPEAKE DR. SAN DIEGO, CA 92121-1044, US.

DRIVING DIRECTIONS

NEW ANTENNA	LIGHT POLE	ELEVATION REF.	ELECT. CONDUIT	PLASTER
EXISTING ANTENNA	FOUNDATION	SECTION REF.	COAXIAL CABLE	(E) MASONRY
GROUND RIB BAR	SPOT ELEV.	PROP. ALIAS LINE	OVERHEAD SERV. CONDUCTORS	CONCRETE
METAL GRID. CONN.	SET POINT	HATCH LINE	CHAIN LINK FENCE	EARTH
CADWELD	REVISION	WORK POINT	CENTERLINE	GRAVEL
GROUND ACC. WELL	GRID REF.	GRID CONDUCTOR	MOOD CONT.	PLYWOOD
ELECTRIC BOX	DETAIL REF.	TELE. CONDUIT	MOOD BLOCKING	SAND
TELEPHONE BOX				STEEL

SYMBOLS, LINETYPES AND HATCH PATTERNS

PLAN VERIFICATION

CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE CIVIL ENGINEERS IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

GENERAL CONTRACTOR NOTES

AC. ASPHALT CONCRETE	GVL. GRAVEL
ANT. ANTENNA(S)	HC. HANDICAPPED
BL. BELOW	HORIZ. HORIZONTAL
B.G. BELOW GRADE	HT. HITCH / VENT / AAC
B.D.G. BUILDING	INCL. INCLUDES
B.R. BRICK	LBS. POUNDS
CAB. CABINET	L.P.T. LOW POINT
C.B. CATCH BASIN	MASONRY MASONRY
CBT. CEMENT	MAX. MAXIMUM
CFT. CUBIC FOOT	MET. METAL
C.I.P.C. CAST-IN-PLACE CONC.	MFR. MANUFACTURER
C.L.L. CONTRACT LIMIT LINE	PMH. PERMANENT
CLS. CLOSURE	(N) NEW
C.M.U. CONC. MASONRY UNIT	N. NORTH
CNC. CONCRETE	N.I.C. NOT IN CONTRACT
CON. CONNECTION	N.T.S. NOT TO SCALE
CONSTR. CONSTRUCTION	P.P. POWER POLE
CTR. CENTER	P.L. PROPERTY LINE
CTD. CUBIC YARD	P.O.C. POINT OF CONC.
DBL. DOUBLE	PROP. PROPERTY
DETO. DEVIATION	PT. POINT
DFT. DIMENSION	P.V.T.T. PERMANENT
DRWG. DRAWING	R200. REQUIRED
DTL. DETAIL	R.H. ROOF HATCH
(E) EAST	RFC. ROOFING
EL. ELEVATION	R.O.M. RIGHT-OF-WAY
ELEC. ELECTRIC (AL)	S. SOUTH
ENCL. ENCLOSURE	TBL. TELEPHONE
E.P. ELECT. PANELBOARD	T.O.P. TOP OF PARAPET
EQUP. EQUIPMENT	T.O.S. TOP OF SLAB
EXT. EXTERIOR	(SURFACE)
FS. FINISH SURFACE	T.O.M. TOP OF MALL
F.T. FOOT OR FEET	UNF. UNFINISHED
F.T. FUTURE	UNF.O. UNLESS NOTED
G.C. GENERAL CONTR.	VERT. VERTICAL
G.F. GROUND FACE	N. NEST
GND. GROUND	W. WITH
GR. GRADE OR GRADING	MP. WATERPROOF
GV. GAS VENT	HT. HEIGHT

ABBREVIATIONS

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ACCEPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING CODES.

1. CALIFORNIA ADMINISTRATIVE CODE
(INCL. TITLES 24 & 25)
2. 2001 CALIFORNIA BUILDING CODE
3. BUILDING OFFICIALS AND CODE ADMINISTRATORS (BOCA)
4. UNIFORM MECHANICAL CODE

5. ANSI/ISA-222-F LIFE SAFETY CODE NFPA-101
6. 2001 UNIFORM PLUMBING CODE
7. 2001 NATIONAL ELECTRIC CODE
8. LOCAL BUILDING CODE
9. CITY/COUNTY ORDINANCES

CODE COMPLIANCE

SITE PARCEL NO.	344-19-31
JURISDICTION	CITY OF SAN DIEGO
ZONE	R. 2-1
OCCUPANCY	B-2
LEGAL DESCRIPTION	LOT 21, MAP 8608

PROJECT DATA

SITE ADDRESS	9323 CHESAPEAKE DRIVE BUILDING 2, SUITE C-2 SAN DIEGO, CA 92121
OWNER	RRREF AMERICA REST II CORP. JJ 1008 PACIFIC HEIGHTS BOULEVARD SUITE 101 SAN DIEGO, CA 92108
CONTACT	PETER LLOYD, REGIONAL DIRECTOR (616) 452-8444
APPLICANT	VERIZON WIRELESS 1500 SAND CANYON AVE. BUILDING 107 1ST FLOOR RYVIE, CA 92408 PHONE: (949) 286-7000
CONTACT	THE PLANNING CONSORTIUM PROJECT MANAGER: DAN BITTERTY 627 N. FIVE ST. ORANGE, CA 92668 PHONE: (714) 974-2600
ARCHITECT	ACO ARCHITECTS, INC. 2670 ENTERPRISE WAY #600 LAKE FOREST, CA 92630 PHONE: (949) 716-7940 FAX: (949) 297-4788
CONTACT	ANTHONY ORTALE PHONE: (949) 716-7940

PROJECT DIRECTORY

VERIZON WIRELESS IS APPLYING TO REINSTATE LAND USE ENTITLEMENTS FOR AN EXISTING CELLULAR COMMUNICATIONS FACILITY CONSISTING OF A 60'-0" HIGH ANTENNA SUPPORT STRUCTURE, THIRTY (30) DIRECTIONAL CELLULAR ANTENNAS, SIX (6) OMNI-DIRECTIONAL ANTENNAS, TWO (2) DIGITAL DISH ANTENNAS AND RELATED ELECTRONIC EQUIPMENT LOCATED IN THE ADJACENT OFFICE BUILDING.

PROJECT DESCRIPTION

T-1	TITLE SHEET
Z-1	SITE PLAN
Z-2	ARCHITECTURAL ELEVATIONS

SHEET INDEX

REV.	DATE/BY	REVISION DESCRIPTION
1	08/10/04 CLB	ZONING SUBMITTAL
2	09/18/04 TH	CLIENT REVISIONS
3	06/25/07 CLB	CLIENT REVISIONS
4	10/02/07 JT	CLIENT REVISIONS
5	02/25/08 JT	CLIENT REVISIONS

SITE ACQUISITION / PLANNER
THE
PLANNING
CONSORTIUM
LAND PLANNING / ENVIRONMENTAL STUDIES
GOVERNMENT RELATIONS

821 N. MAIN STREET
ORANGE, CALIFORNIA 92668
TEL: (714) 974-2530 FAX: (714) 974-1589

SITE BUILDER



1500 SAND CANYON AVE.
BUILDING 107 1ST FLOOR
RYVIE, CA 92408
PHONE: (949) 286-7000

AGE DEVELOPMENT

ACO
ARCHITECTS - INC.

2670 ENTERPRISE #600
LAKE FOREST, CA 92630
PHONE: (949) 716-7940
FAX: (949) 297-4788

APPROVALS

APPROVED BY:	INITIALS	DATE
LANDLORD		
VDM SITE ACQ.		
ZONING		
VDM RF.		
VDM INTERCONNECT.		
VDM UTILITY COORD.		
VDM CONST. MGR.		
VDM PROJECT MGR.		

SITE INFO

SITE NAME	MURPHY CANYON
SITE ADDRESS	9323 CHESAPEAKE DRIVE BUILDING 2, SUITE 2 SAN DIEGO, CA 92121

SHEET TITLE

TITLE SHEET

DRAWING INFO

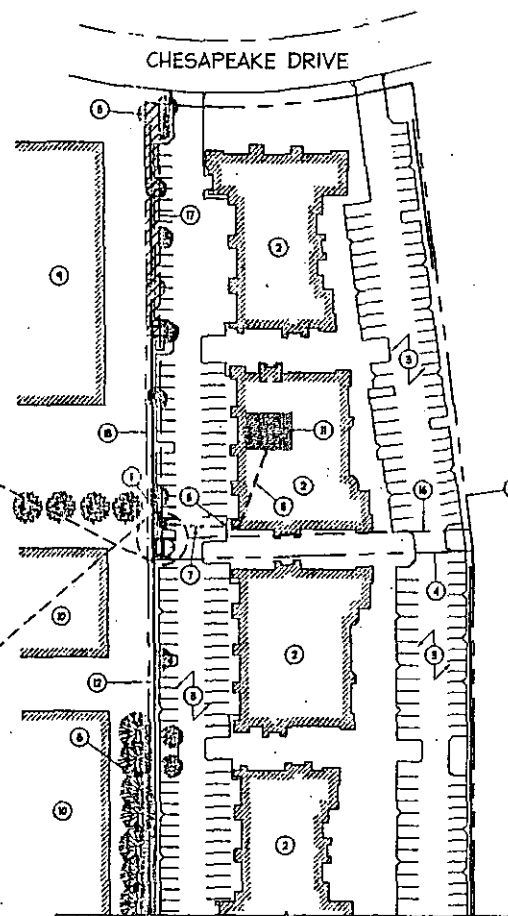
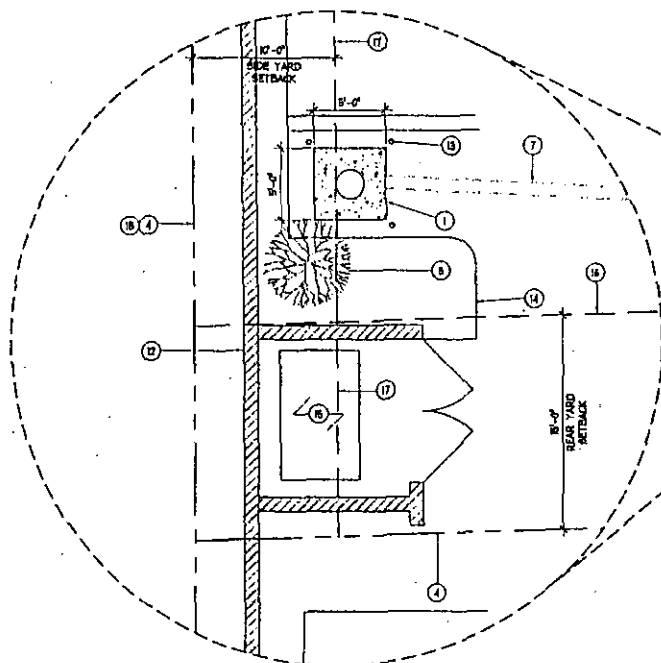
DATE	DATE	DATE
08/10/04	08/10/04	08/10/04

SHEET NUMBER

1 OF 3	T-1
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NOTES:

- ① EXISTING VERIZON WIRELESS 60'-0" HIGH ANTENNA SUPPORT STRUCTURE.
- ② EXISTING 2 STORY OFFICE BUILDING.
- ③ EXISTING PARKING LOT.
- ④ EXISTING PROPERTY LINE.
- ⑤ EXISTING VERIZON WIRELESS CABLE RUN OVER ROOF TO EXISTING CABLE HATCH.
- ⑥ EXISTING VERIZON WIRELESS CABLE RUN UP SIDE OF BUILDING.
- ⑦ EXISTING VERIZON WIRELESS UNDERGROUND CABLE CONDUIT TRENCH.
- ⑧ EXISTING TREE (TYPICAL).
- ⑨ EXISTING OFF-SITE OFFICE WAREHOUSE.
- ⑩ EXISTING OFF-SITE STRUCTURES.
- ⑪ EXISTING VERIZON WIRELESS EQUIPMENT ROOM.
- ⑫ EXISTING 4'-0" HIGH MASONRY RETAINING WALL.
- ⑬ EXISTING 40" HIGH X 4" CONCRETE FILLED STEEL PIPE BOLLARD (TYPICAL OF 3).
- ⑭ EXISTING LANDSCAPE ISLAND.
- ⑮ EXISTING TRASH ENCLOSURE.
- ⑯ 10' REAR YARD SETBACK.
- ⑰ 10' SIDE YARD SETBACK.
- ⑱ AREA WHERE REAR YARD SETBACK IS NOT REQUIRED AS PER CITY CODE (DIAGRAM B3-04B).



SITE PLAN

REV.	DATE/BY	REVISION DESCRIPTION
1	08/10/06 CLB	ZONING SUBMITTAL
2	08/10/06 TM	CLIENT REVISIONS
3	08/28/07 CLB	CLIENT REVISIONS
4	10/02/07 JT	CLIENT REVISIONS
5	02/28/08 HT	CLIENT REVISIONS

SITE ACQUISITION / PLANNER
THE PLANNING CONSORTIUM
 LAND PLANNING / ENVIRONMENTAL STUDIOS
 GOVERNMENT RELATIONS

627 N. HAWTHORNE STREET
 ORANGE, CALIFORNIA 92668
 TEL: (714) 948-1230 FAX: (714) 948-1199

SITE BUILDER



8508 SAND CANYON AVE.
 BUILDING 101 1st FLOOR
 IRVINE, CA 92618
 PHONE (949) 246-7000

ARCHITECT

ACD
 ARCHITECTS - INC.

2670 ENTERPRISE #600
 LAKE FOREST, CA 92530
 PHONE (949) 718-9940
 FAX (949) 247-4788

APPROVALS

APPROVED BY:	INITIALS:	DATE:
LANDLORD:		
VDM SITE ACQ:		
ZONING:		
VDM RF:		
VDM INTERCONNECT:		
VDM UTILITY COOR:		
VDM CONST. MGR:		
VDM PROJECT MGR:		

SITE INFO

SITE NAME:
MURPHY CANYON

SITE ADDRESS:
 1823 CHESAPEAKE DRIVE
 BUILDING 2, SUITE 2
 SAN DIEGO, CA 92123

SHEET TITLE

SITE PLAN

DRAWING INFO

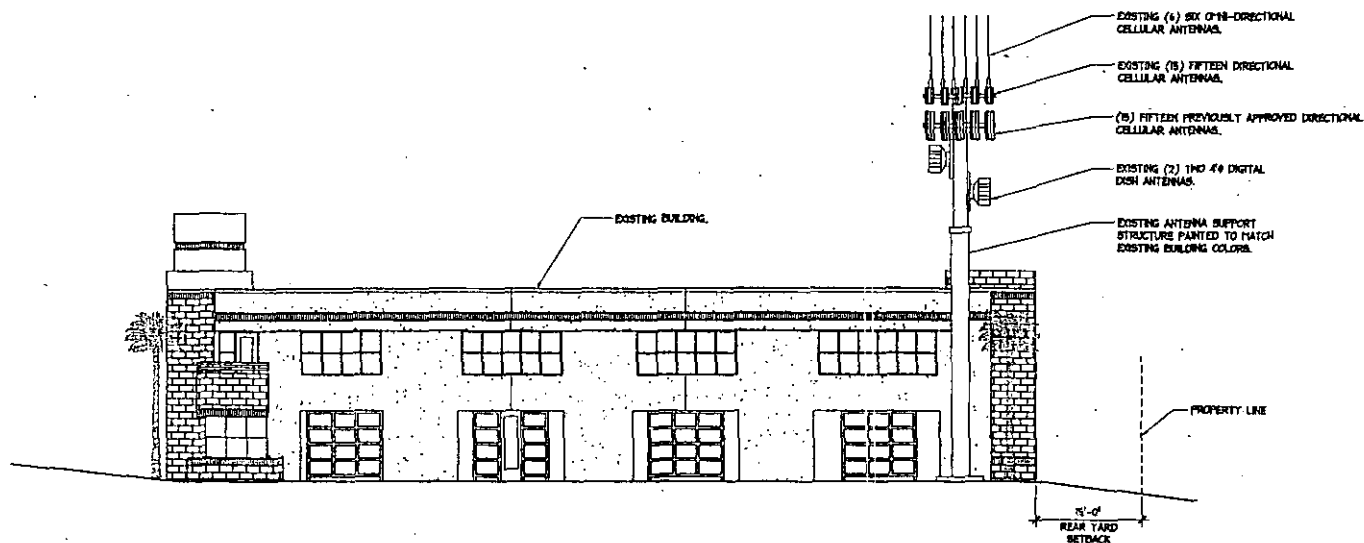
DWG NAME:	DRAWN BY:	DATE:
2	CLB	08/10/06

SHEET NUMBER

2 OF 3 **Z-1**



NORTH ELEVATION



WEST ELEVATION

NOTE: MONOPOLE IS LOCATED IN AN AREA THAT HAS NO REQUIRED REAR YARD SETBACK.

REV.	DATE/REV.	REVISION DESCRIPTION
1	08/05/06 CLB	ZONING SUBMITTAL
2	08/05/06 JH	CLIENT REVISIONS
3	08/25/07 CLB	CLIENT REVISIONS
4	10/22/07 JT	CLIENT REVISIONS
5	02/25/08 JTY	CLIENT REVISIONS

SITE ACQUISITION / PLANNER
THE PLANNING CONSORTIUM
 LAND PLANNING • ENVIRONMENTAL STUDIES
 GOVERNMENT RELATIONS
 621 N. MAIN STREET
 ORANGE, CALIFORNIA 92668
 TEL: 714 961-5100 FAX: 714 961-1989
 SITE BUILDER

verizonwireless
 15505 SAND CANYON AVE.
 BUILDING 17 1st FLOOR
 IRVINE, CA 92618
 PHONE (949) 266-7000

ARCHITECTURAL DEVELOPMENT
ACO
 ARCHITECTS - INC.
 24170 ENTERPRISE BLVD
 LAKE FOREST, CA 92650
 PHONE: (949) 718-4940
 FAX: (949) 297-4788

APPROVED BY:	INITIALS	DATE:
LANDLORD:		
VDM SITE ACCL:		
ZONING:		
VDM RA:		
VDM INTERCONNECT:		
VDM UTILITY COORD:		
VDM CONST MGR:		
VDM PROJECT MGR:		

SITE INFO
 SITE NAME:
MURPHY CANYON
 SITE ADDRESS:
 9523 CHESAPEAKE DRIVE
 BUILDING 2, SUITE 2
 SAN DIEGO, CA 92121

SHEET TITLE:
ARCHITECTURAL ELEVATIONS

DRAWING INFO:
 DWG NAME: 13
 DRAWN BY: CLB
 DATE: 08/05/06

SHEET NUMBER:
 3 OF 3 **7-2**

000065

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-6938

CONDITIONAL USE PERMIT NO. 379109
PLANNED DEVELOPMENT PERMIT NO. 542264
VERIZON – MURPHY CANYON
PROJECT NO. 112854
PLANNING COMMISSION

This Conditional Use Permit No. 379109 and Planned Development Permit No. 542264, is granted by the Planning Commission of the City of San Diego to RREEEF AMERICA REIT II CORP. JJ, Owner, and VERIZON WIRELESS, Permittee, pursuant to San Diego Municipal Code [SDMC] section Chapter 12, Article 6, Division 2 and section 141.0405. The site is located at 9323 Chesapeake Drive in the IL-2-1 zone of the Kearny Mesa Community Plan area. The project site is legally described as Lot 21, Map 8503.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee for a Communication Antenna Facility, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated June 5, 2008, on file in the Development Services Department.

The project or facility shall include:

- a. A Communication Antenna Facility consisting of a 55-foot tall antenna support structure with antennas reaching a maximum height of 65-feet tall. The facility may contain a maximum of thirty (30) directional cellular antennas, six (6) omni-directional antennas, and two (2) digital dish antennas. Associated equipment is located within the adjacent office building;
- b. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private

improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

10. In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. This Conditional Use Permit (CUP) and Planned Development Permit (PDP) and corresponding use of this site shall **expire on June 5, 2018**. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit, unless the applicant of record files a new application for a facility which will be subject to compliance with all regulations in effect at the time.

12. No later than ninety (90) days prior to the expiration date of this CUP and PDP, the Owner/Permittee may submit a new permit application to the City for consideration with review and a decision by the appropriate decision maker at that time.

13. Under no circumstances, does approval of this permit authorize Verizon Wireless or subsequent permittee or owner to utilize the communication antenna structure or site for wireless communication purposes beyond the permit expiration date. Implicit use of this permit beyond the effective date of this permit is prohibited.

14. All equipment, including transformers, emergency generators and air conditioners shall be designed and operated consistent with the City noise ordinance. Ventilation openings shall be baffled and directed away from residential areas. Vibration resonance of operation equipment in the equipment enclosure shall be eliminated.

ENGINEERING REQUIREMENTS:

15. Prior to the issuance of any construction permits, the applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

16. Prior to the issuance of any construction permits, the applicant shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

17. Any party on whom fees, dedications, reservations or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within 90 days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code 66020.

PLANNING/DESIGN REQUIREMENTS:

18. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

19. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

20. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.

21. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

22. This project proposes to encroach into the side-yard setback. The antennas mounted on the antenna support structure encroach approximately 3.5 feet into the side-yard setback. This deviation is permitted with the approval of this Planned Development Permit.

23. No mechanical equipment, tank, duct, elevator, cooling tower, mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed, architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.

24. Within 90 days of issuance of this permit, the telecommunication provider shall provide an on-air Radio Frequency (RF) report providing evidence that the cumulative field measurements

of radio frequency power densities for all antennas installed on the premises will be below the federal standards.

25. Prior to obtaining a Construction Permit the following items must be illustrated on the construction drawings; coax cable tray, meters, telco, A/C units, generator receptacles, cable runs, bridges, dog houses and external ports. These appurtenances must be minimized visually so as to avoid the effect of changing the outward appearance of the project from what was approved on the exhibits.

26. The applicant of record is responsible for notifying the city prior to the sale or takeover of this site to any other provider.

27. All private outdoor lighting installed by the permittee shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

28. All antenna cabling shall be routed underground and internally within the antenna support structure. No cables shall be visible.

29. All antennas and the antenna support structure itself shall be painted the same color. The antennas and antenna support structure shall be kept in a well-maintained condition with no graffiti, peeling paint, or other signs of disrepair.

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

This development may be subject to impact fees at the time of building/engineering permit issuance

APPROVED by the Planning Commission of the City of San Diego on June 5, 2008 and Resolution No. PC-XXXX.

DRAFT PERMIT – ATTACHMENT 6

Permit Type/PTS Approval No.: CUP/379109
PDP/542264
Date of Approval: 6/5/2008

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

Alexander Hempton, AICP
Associate Planner

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1180 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

RREEEF AMERICA REIT II CORP. JJ
Owner

By _____

VERIZON WIRELESS
Permittee

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

DRAFT RESOLUTION – ATTACHMENT 7

PLANNING COMMISSION
RESOLUTION NO. TBD
CONDITIONAL USE PERMIT – 379109
PLANNED DEVELOPMENT PERMIT – 542264
VERIZON – MURPHY CANYON

WHEREAS, RREEF AMERICA REIT II CORP. JJ, Owner, and VERIZON WIRELESS, Permittee, filed an application with the City of San Diego for a permit to operate and maintain a Wireless Communication Facility consisting of a 55-foot tall antenna structure, with six antennas reaching a maximum height of 65 feet tall. The facility would contain a maximum of six (6) omni-directional cellular antennas, thirty (30) directional cellular antennas, and two (2) 4-foot wide digital dish antennas. The facility also includes associated equipment, located inside the existing office building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 379109 and 542264);

WHEREAS, the project site is located at 9323 Chesapeake Drive in the IL-2-1 zone of the Kearny Mesa Community Plan;

WHEREAS, the project site is legally described as Lot 21, Map 8503;

WHEREAS, on June 5, 2008, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 379109 and Planned Development Permit No. 542264 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated June 5, 2008.

FINDINGS:

Conditional Use Permit - Section 126.0305

1. **The proposed development will not adversely affect the applicable land use plan;**

Section A.15 of the Urban Design section of the City of San Diego's General Plan addresses Wireless Facilities. The intent is to minimize the visual impact of wireless facilities. The General Plan states that wireless facilities should be concealed in existing structures when possible, or otherwise use camouflage and screening techniques to hide or blend the facilities into the surrounding area. The proposed design of this facility is not concealed within an existing structure, is not camouflaged, and screening techniques have not been used to blend the facility into the surrounding area.

The General Plan continues to state that facilities should be designed to be "aesthetically pleasing and respectful to the neighborhood context." While this is an Industrial Zone, the intent of the IL-2-1 zone is to "allow a mix of light industrial and office uses with limited commercial." The development in this area resembles a business park and is designed in an aesthetically pleasing

DRAFT RESOLUTION – ATTACHMENT 7

way. Other wireless facilities have been built on the rooftops of adjacent and nearby buildings, and are well camouflaged with rooftop screening material. The proposed design is not aesthetically pleasing, is not respectful to the neighborhood context, and is out of place.

The proposed wireless facility does meet the General Plan's requirement of locating the equipment associated with the facility within an existing, adjacent office building. The equipment is integrated well with the office building and is not visible.

The Kearny Mesa Community Plan does not address Wireless Communication Facilities with a specific land use recommendation. Based on the project's noncompliance with the City of San Diego's General Plan as it relates to Wireless Facilities, this project would adversely affect the land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare;

The Telecommunication Act of 1996 preempts local governments from regulating the "placement, construction and modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emissions to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." The proposed project would be consistent with the FCC's regulations for wireless facilities. To insure that the FCC standards are being met, a condition has been added to the permit to require that Verizon Wireless perform an on-air RF test and submit the findings in a report to the City of San Diego within 90 days of issuance of this permit. Therefore, based on the above, the project would not result in any significant health or safety risks to the surrounding area.

3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code; and

This project does not comply to the maximum extent feasible with the regulations of the Land Development Code. Section 141.0405 of the Land Development Code regulates Communication Antennas as a separately regulated use. The proposed facility is considered a "major" facility. Major facilities are not permitted within ½ mile of another major telecommunication facility, unless the facility is concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement, unique design solutions, and accessory use structures. There are other facilities, both public and private, that could be considered "major" telecommunication facilities within ½ mile of this facility. Since this facility does not meet the design requirements listed above, the facility does not comply with 141.0405(f)(1)(C).

Major telecommunication facilities are also required to be designed to be minimally visible through the use of architecture, landscape architecture, and siting solutions. From some vantage points, existing landscape material does obscure views of this facility. In addition, the siting of the facility, located away from the public right-of-way, is beneficial. However, the facility is located immediately adjacent to the side property line and is highly visible to adjacent properties. Architectural design features have not been proposed to meet the requirements of this section. Additional landscape material has not been proposed to improve views of this facility, to make the facility minimally visible. Therefore, this facility does not meet the requirements of 141.0405(f)(2).

This facility encroaches into the side-yard setback. This encroachment precludes additional landscape material from being planted in the side-yard setback area that could allow for better screening of the facility. A Planned Development Permit has been applied for to permit the encroachment into the side-yard setback.

This project does not meet the regulations of the Land Development Code to the maximum extent possible. In fact, the project does not meet the minimum requirements. Verizon Wireless has not proposed changes to this facility to attempt to comply with the regulations. Therefore, this finding cannot be met.

4. The proposed use is appropriate at the proposed location.

The City of San Diego encourages wireless carriers to locate on non-residential properties. In this case, the carrier was able to locate in such a location, which is preferable to locating in a residential zone with a residential use. The proposed use is appropriate at the proposed location.

Planned Development Permit - Section 126.0604

A. Findings for all Planned Development Permits

1. The proposed development will not adversely affect the applicable land use plan;

Section A.15 of the Urban Design section of the City of San Diego's General Plan addresses Wireless Facilities. The intent is to minimize the visual impact of wireless facilities. The General Plan states that wireless facilities should be concealed in existing structures when possible, or otherwise use camouflage and screening techniques to hide or blend the facilities into the surrounding area. The proposed design of this facility is not concealed within an existing structure, is not camouflaged, and screening techniques have not been used to blend the facility into the surrounding area.

The General Plan continues to state that facilities should be designed to be "aesthetically pleasing and respectful to the neighborhood context." While this is an Industrial Zone, the intent of the IL-2-1 zone is to "allow a mix of light industrial and office uses with limited commercial." The development in this area resembles a business park and is designed in a aesthetically pleasing way. Other wireless facilities have been built on the rooftops of adjacent and nearby buildings, and are well camouflaged with rooftop screening material. The proposed design is not aesthetically pleasing, is not respectful to the neighborhood context, and is out of place.

The proposed wireless facility does meet the General Plan's requirement of locating the equipment associated with the facility within an existing, adjacent office building. The equipment is integrated well with the office building and is not visible.

The Kearny Mesa Community Plan does not address Wireless Communication Facilities with a specific land use recommendation. Based on the disregard to the elements of the City of San Diego's General Plan as they relate to Wireless Facilities, this project would adversely affect the land use plan.

DRAFT RESOLUTION – ATTACHMENT 7

2. The proposed development will not be detrimental to the public health, safety, and welfare;

The Telecommunication Act of 1996 preempts local governments from regulating the “placement, construction and modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emissions to the extent that such facilities comply with the Federal Communication Commission’s (FCC) standards for such emissions.” The proposed project would be consistent with the FCC’s regulations for wireless facilities. To insure that the FCC standards are being met, a condition has been added to the permit to require that Verizon Wireless perform an on-air RF test and submit the findings in a report to the City of San Diego within 90 days of issuance of this permit. Therefore, based on the above, the project would not result in any significant health or safety risks to the surrounding area.

3. The proposed development will comply with the regulations of the Land Development Code;

This project does not comply with the regulations of the Land Development Code. Section 141.0405 of the Land Development Code regulates Communication Antennas as a separately regulated use. The proposed facility is considered a “major” facility. Major facilities are not permitted within ½ mile of another major telecommunication facility, unless the facility is concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement, unique design solutions, and accessory use structures. There are other facilities, both public and private, that could be considered “major” telecommunication facilities within ½ mile of this facility. Since this facility does not meet the design requirements listed above, the facility does not comply with 141.0405(f)(1)(C).

Major telecommunication facilities are also required to be designed to be minimally visible through the use of architecture, landscape architecture, and siting solutions. From some vantage points, existing landscape material does obscure views of this facility. In addition, the siting of the facility, located away from the public right-of-way, is beneficial. However, the facility is located immediately adjacent to the side property line and is highly visible to adjacent properties. Architectural design features have not been proposed to meet the requirements of this section. Additional landscape material has not been proposed to improve views of this facility, to make the facility minimally visible. Therefore, this facility does not meet the requirements of 141.0405(f)(2).

This facility encroaches into the side-yard setback. This encroachment precludes additional landscape material from being planted in the side-yard setback area that could allow for better screening of the facility. A Planned Development Permit has been applied for to permit the encroachment into the side-yard setback.

This project does not meet the regulations of the Land Development Code.

4. The proposed development, when considered as a whole, will be beneficial to the community; and

The wireless communications service made possible by this facility will be beneficial to the community. However, the proposed design of this facility is not consistent with the Land

DRAFT RESOLUTION – ATTACHMENT 7

Development Code and the City's General Plan. If this facility was redesigned to be minimally visible and to comply with the Land Development Code and General Plan, the development, when considered as a whole, would be beneficial to the community. As current proposed, the project is not, when considered as a whole, beneficial to the community.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

This project proposes to encroach into the side-yard setback. The antennas mounted on the antenna support structure encroach approximately 3.5 feet into the side-yard setback. The encroachment into the side-yard setback does not result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the IL-2-1 zone. If the facility adhered to the side-yard setback, additional room would be available for landscape material which could be utilized to better screen this facility. As proposed, the encroachment into the side-yard setback does not result in a more desirable project.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 379109 and Planned Development Permit No. 542264 are hereby DENIED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 379109 and 542264, a copy of which is attached hereto and made a part hereof.



Alex Hempton, AICP
Associate Planner
Development Services

Adopted on: June 5, 2008

Job Order No. 42-6938



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

The City of San Diego

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☒ Conditional Use Permit
☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment ☐ Other _____

Project Title

Project No. For City Use Only

Verizon Wireless antenna facility CUP renewal

Project Address:

9323 Chesapeake Drive

Part I - To be completed when property is held by individual(s) Not Applicable

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☐ No

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Project Title: Verizon Wireless antenna facility CUP renewal	Project No. (For City Use Only)
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Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

☒ Corporation ☐ Limited Liability -or- ☐ General) What State? _____ Corporate Identification No. _____
☐ Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached ☐ Yes ☐ No

Corporate/Partnership Name (type or print):
 REEF America REIT II Corp. JJ

☒ Owner ☐ Tenant/Lessee

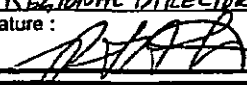
Street Address:
 10105 Pacific Heights Blvd., #120

City/State/Zip:
 San Diego, CA 92121

Phone No: (858) 452-8668 **Fax No:**

Name of Corporate Officer/Partner (type or print):
 PETER LLOYD

Title (type or print):
 REGIONAL DIRECTOR

Signature:  **Date:** 8/22/06

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: **Fax No:**

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature: **Date:**

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: **Fax No:**

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature: **Date:**

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: **Fax No:**

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature: **Date:**

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: **Fax No:**

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature: **Date:**

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: **Fax No:**

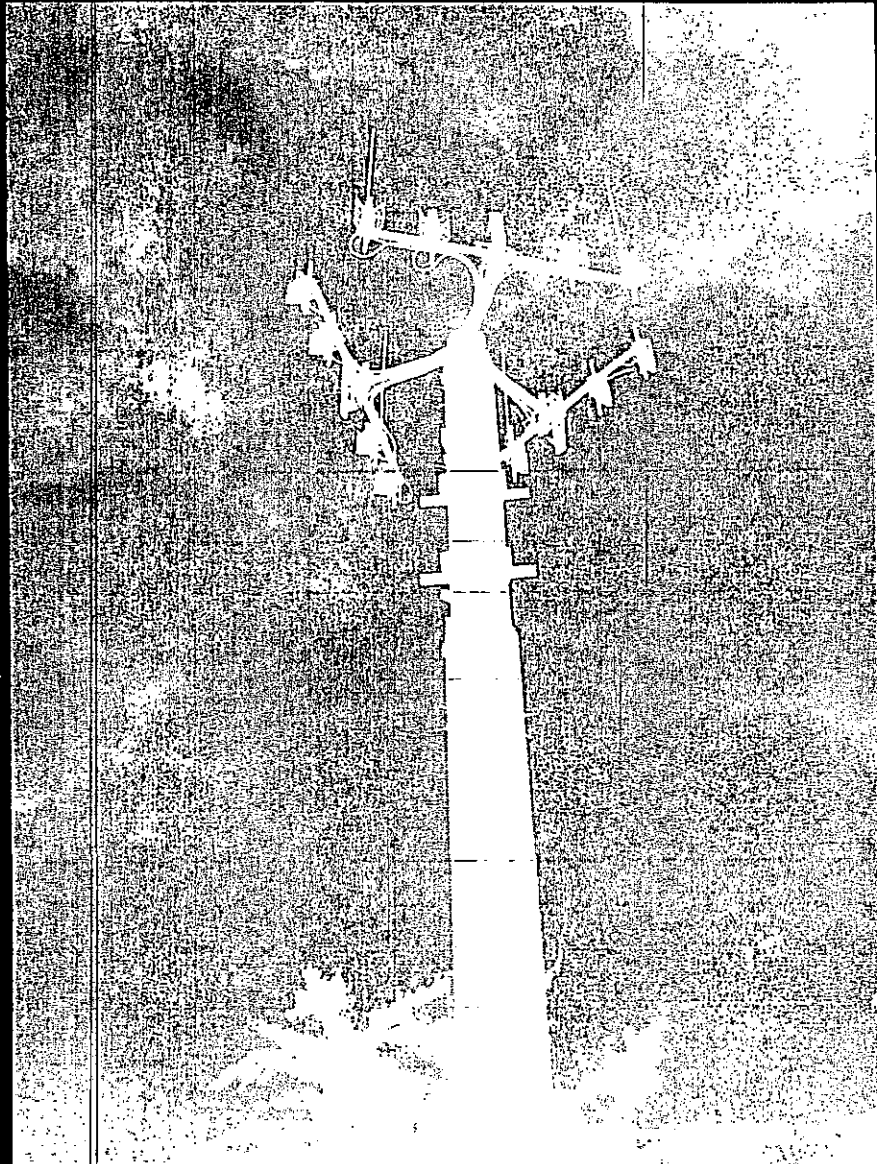
Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature: **Date:**

DEVELOPMENT SERVICES
Project Chronology
 VERIZON – MURPHY CANYON - PROJECT NO. 112854

Date	Action	Description	City Review Time	Applicant Response
9/12/06	First Submittal	Project Deemed Complete		
10/19/06	First Assessment Letter		37	
2/28/07	Second Submittal			132
3/28/07	Second Assessment Letter		28	
6/26/07	Third Submittal			90
7/10/07	Third Assessment Letter		14	
10/5/07	Fourth Submittal			87
11/27/07	Fourth Assessment Letter		53	
3/5/08	Fifth Submittal			99
4/30/08	All Issues not Resolved	Scheduling for Planning Commission with Recommendation of Denial	56	
6/5/08	Public Hearing – Planning Commission		36	
TOTAL STAFF TIME			224	
TOTAL APPLICANT TIME				408
TOTAL PROJECT RUNNING TIME		From Deemed Complete to Planning Commission Hearing	632 (in calendar days)	



Site Photos

VERIZON – MURPHY CANYON – PROJECT NO. 112854

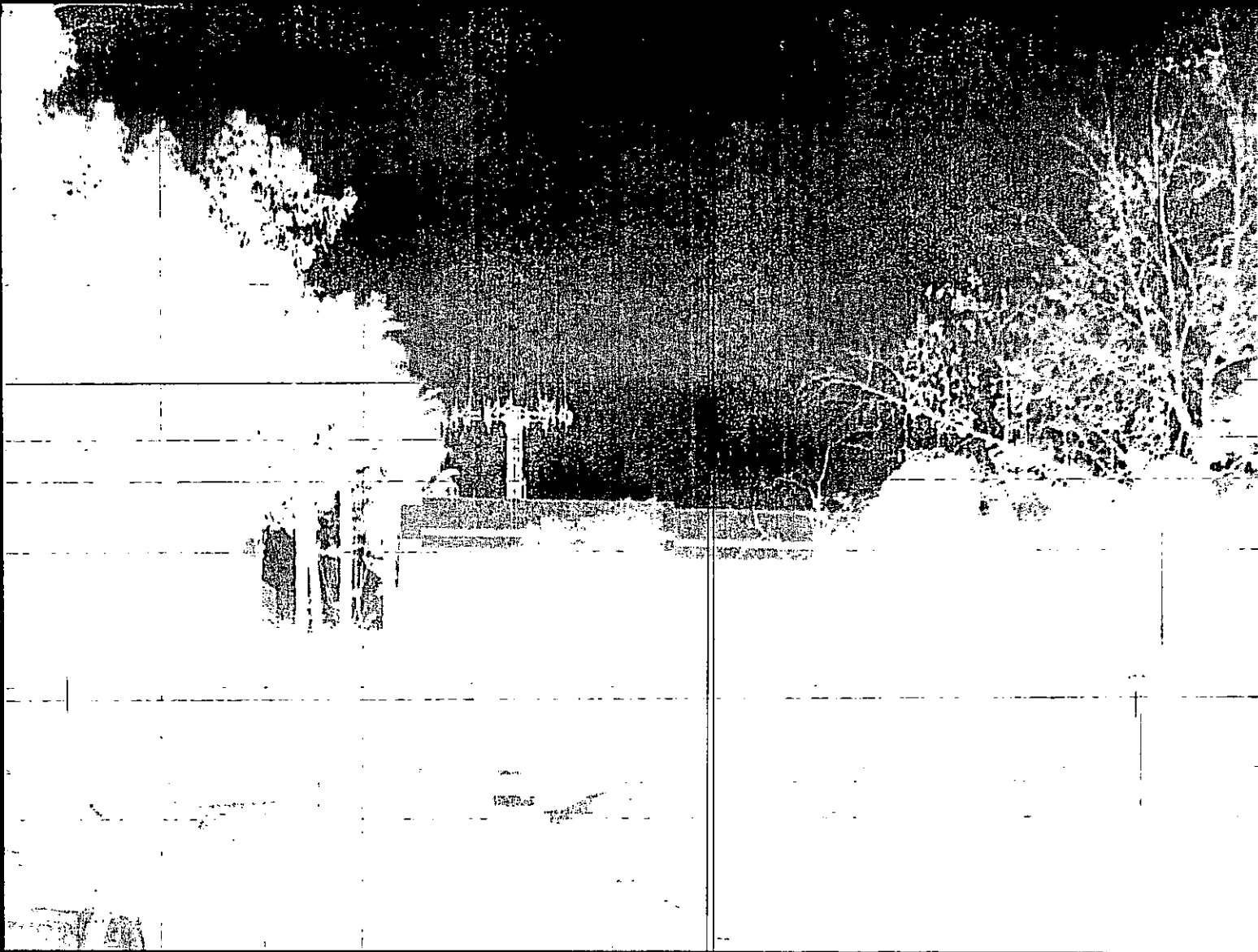
9323 Chesapeake Drive



Site Photos

VERIZON – MURPHY CANYON – PROJECT NO. 112854

9323 Chesapeake Drive



Site Photos

VERIZON – MURPHY CANYON – PROJECT NO. 112854

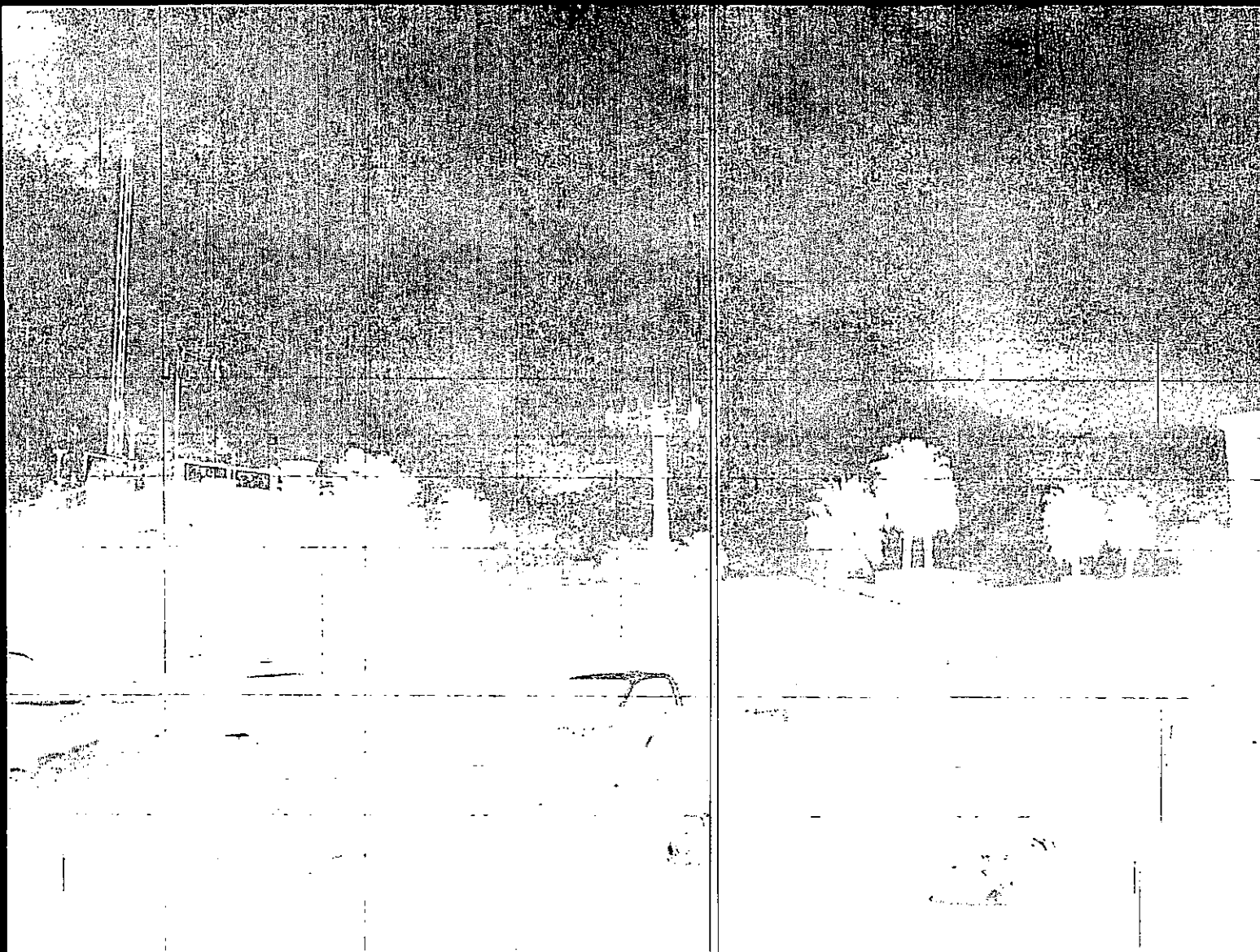
9323 Chesapeake Drive



Site Photos

VERIZON – MURPHY CANYON – PROJECT NO. 112854

9323 Chesapeake Drive



Site Photos

VERIZON – MURPHY CANYON – PROJECT NO. 112854

9323 Chesapeake Drive



An existing Wireless Communication Facility exists on the building adjacent to the monopole.



Site Photos

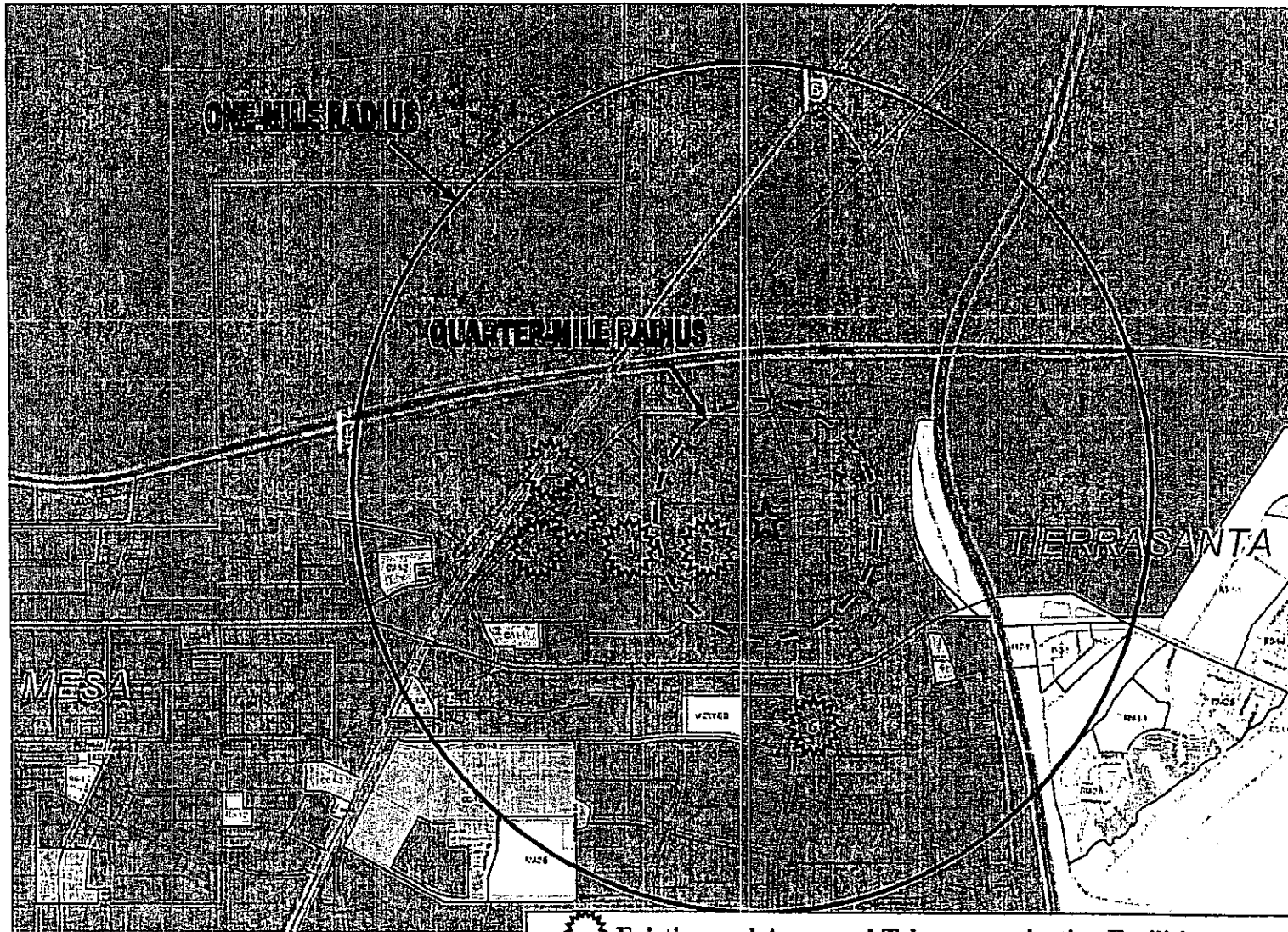
VERIZON - MURPHY CANYON - PROJECT NO. 112854

9323 Chesapeake Drive

Justification Map: "Murphy Canyon" Verizon Wireless (PTS# 112854)

000088

Page 1 of 1



LEGEND



Search Ring



Alternative Sites



Selected Site/Project Site



Existing and Approved Telecommunication Facilities

1. Cingular, 5710 Kearney Villa Road (Façade-mount/PTS Unknown)
2. Paging Services, 5735 Kearney Villa Road (Lattice/PTS Unknown)
3. Sprint/ATT, 5571 Topaz Way (120' Monopole/PTS 90486)
4. County Communication Tower, Overland Avenue (Lattice tower/PTS Unknown)
5. County Communication Tower, Farnham Street (Lattice tower/PTS Unknown)
6. Cingular, 5201 Ruffin Road, (Two pole supports/PTS Unknown)

ATTACHMENT 11

**TELECOMM TECHNICAL ANALYSIS/SITE JUSTIFICATION LETTER
FOR THE RENEWAL OF CUP NO. 96-0172 FOR THE
EXISTING VERIZON WIRELESS ANTENNA FACILITY
AT 9323 CHESAPEAKE DRIVE, SAN DIEGO ("MURPHY CANYON")**

Project Description

The proposed project involves the renewal of Conditional Use Permit No. 96-0172 to allow the continued operation of an unmanned Verizon Wireless (formerly AirTouch Cellular) cellular telephone antenna facility at 9323 Chesapeake Drive in the Kearny Mesa in the City of San Diego. The existing antenna facility has been in operation at this location for over ten years under CUP No. 96-0172 without any conflicts or issues. As allowed under CUP No. 96-0172, the approved project consisted of a 55-foot high steel monopole antenna support, thirty (30) panel antennas, six (6) omni-directional antennas, two (2) digital dish antennas and related electronic equipment located in a secured office space in the adjacent two-story office building. The existing antenna facility consists of a 55-foot high steel monopole antenna support, fifteen (15) panel antennas, four (4) omni-directional antennas, no digital dish antennas and related electronic equipment located in a secured office space in the adjacent two-story office building. The currently proposed project (PTS# 112854) consists of a 55-foot high steel monopole antenna support, thirty (30) panel antennas, six (6) omni-directional antennas, two (2) digital dish antennas and related electronic equipment located in a secured office space in the adjacent two-story office building.

Under this current CUP renewal request, the land use entitlement would be extended for another ten or more years and the existing antenna facility would remain as is currently constructed with the allowance for the noted number of additional antennas. The 55-foot steel monopole antenna support is located behind the on-site two-story office building and is not highly visible from surrounding streets and properties.

Need for the Project

As noted, this is an existing operational antenna facility and an extension of land use entitlements are being requested to continue its operation. For the last ten years, this Verizon Wireless antenna facility has operated without complaint and provided an important link in the network in the important Kearny Mesa business/industrial area of the City of San Diego. Verizon Wireless wishes to re-entitle the existing antenna facility for another ten years or more with no modifications and, as such, there is no "Search Ring" other than the project site and there would be no need to co-locate at some other location because the antenna facility is an existing facility. Because Verizon Wireless is seeking to extend the existing land use entitlements, the existing antenna facility with the existing antenna height is the only acceptable and operationally efficient project suitable to serve the subject service area. Please refer to the attached Site Justification Map and the analysis of alternative site locations.

Project Design

No changes are proposed to the existing antenna facility with the exception of the addition of the previously-approved (but never installed) 15 additional panel antennas on new mounting arms placed directly below the existing antenna mounting arms; two additional omni-directional antennas and two digital dish antennas. The request involves the re-instatement of the expired land use entitlements granted under CUP 96-0172. The existing antenna height of 55 feet is sufficient for the continued technically efficient operation of the facility. It allows the antennas to peek over the existing surrounding two-story office/industrial buildings and provide adequate and reliable service to the Kearny Mesa area. While the antennas are supported by the 55-foot high steel monopole, the monopole is screened by the existing surrounding two-story office/industrial buildings.

Verizon Wireless is aware that staff will not support the currently proposed monopole design. Further, staff recommends redesigning the site using a unique stealth design, which would allow the project to proceed with a lower process level. Instead of a Conditional Use Permit, Process 3, the project would be able to proceed with a Limited Use Permit, Process 1.

However, based on the existing public views of the existing 55-foot high monopole antenna support documented in the Photo Simulations and Photo Survey accompanying this land use application, there is no compelling reason to reconstruct the facility stealth given the lack of significant adverse visual impacts. What can be seen of the existing antenna facility and from what locations? The Photo Simulations and Photo Survey provided with this CUP application document the lack of significant visual impact that would result from the continued use of the existing antenna facility.

The existing 55-foot high monopole antenna facility is located in a rear parking lot of an existing two-story, 31-foot high office building (with some portions up to eighth feet higher) located in the IL 2-1 Industrial zone approximately 450 feet west of Ruffin Road. The primary roadway near the project site is Ruffin Road to the east of the project site and at a slightly lower elevation than the base of the monopole by about five feet. The only other roadways are Chesapeake Drive to the north and Hazard Way to the south of the project site. The three photo simulation show the limited views of the existing 55-foot high monopole antenna facility from these three roadways. Basically, as shown in the Photo Simulations and Photo Survey, the existing two-story, 31-foot high on-site office building and other adjoining two-story office buildings and heavy, mature landscaping significantly block views of the existing 55-foot high monopole antenna facility. In fact, there are very few perspectives where the facility can be viewed because the intervening buildings and mature tree cover and those locations for the most part are on immediately adjacent properties that have this same view of the facility for over ten years without negative effects. Any motorists' view of the antenna facility from moving vehicles on adjacent public roadways are brief and occasional since any motorist would have to look 90 degrees at the right moment to actually have any significant views of the existing antenna facility. The Photo Simulations that accompanying the CUP application illustrate the existing and future views, as follows:

- a) **View 1:** This view looks west across Ruffin Road to the east of the project site towards the existing antenna facility. Because of the intervening buildings, there is only a brief view of the top of the antenna facility that can be seen by passing motorists if they look 90 degrees from their frontal view. Vehicles moving at typical speeds along this section of Ruffin Road would not have significant views of the existing or proposed antenna facility to the west because of the intervening buildings, a heavy mature tree cover and the speed of the passing vehicles.
- b) **View 2:** This view looks north across Hazard Way to the south of the project site towards the existing antenna facility. As can be seen in the photo simulation, the existing antenna facility is located in the rear of the property in the middle of the long parking lot running along the rear of the existing two-story, 31-foot high office buildings. While there is a direct view of the antenna facility down this parking lot, it is a brief view for passing motorists. Vehicles moving at typical speeds along Hazard Way would not have significant views of the existing or proposed antenna facility.
- c) **View 3:** This view looks southwest across the intersection of Ruffin Road and Chesapeake Drive to the northeast of the project site towards the existing antenna facility. As can be seen in the photo simulation, the existing antenna facility cannot be seen from this major intersection because of the intervening buildings and heavy mature tree cover. Vehicles sitting at this intersection or moving through it at typical speeds would not have significant views of the existing or proposed antenna facility.

Also, as shown in **Photos 1 through 8** that accompany this land use application, any clear views of the existing and proposed antenna facility from public roadways are brief and limited because of the existing intervening buildings and the local heavy mature tree cover. There are some direct views from adjacent industrial properties to the west, but this view has existed for ten years from these industrial properties without any issues being raised. The operation of the antenna facility does not result in any noise, fumes or lighting that would substantially change the character of this industrial use area.

As noted above, based on the existing public views of the existing 55-foot high monopole antenna support documented in the Photo Simulations and Photo Survey accompanying this land use application, there is no compelling reason to reconstruct the facility stealth given the lack of significant adverse visual impacts. The Photo Simulations and Photo Survey provided with this CUP application document the lack of significant visual impact that would result from the continued use of the existing antenna facility. As such, Verizon Wireless will propose to keep this antenna facility as a 55-foot high steel monopole and the only change in the existing condition would be the addition of antennas on the steel monopole to allow for future signal expansion. This would improve the future use of the antenna facility in that it would allow for an expansion of signal capacity without adding additional antenna facilities to serve the future increase in the need for service in this important industrial, instructional and commercial area of the City of San Diego.

Analysis of Potential Alternative Project Locations and Co-Location Opportunities

Subject Property

The subject property is located at 9323 Chesapeake Drive just west of Ruffin Road in the Kearny Mesa area. The industrially-zoned (IL-2-1), approximately 1.45 acre property is completely developed with two-story office buildings, landscaping, parking lot and the subject 55-foot high steel monopole antenna support. It is important that Verizon Wireless provides quality and reliable wireless telecommunication services in this important industrial/business area not just for business and personal use, but also for emergency services. The existing Verizon Wireless antenna facility supports the antennas at a technically efficient operational height (55-feet) and the existing lease area accommodates the antenna support and the related electronic equipment is placed in a suite in the on-site two-story office building. With regards to co-location opportunities on this property, other wireless telecommunication antenna carriers could co-locate on the existing 55-foot high steel monopole and even perhaps place their antennas behind screening on the rooftop of the existing two-story office building. As such, co-location opportunities already exist at the project site.

The existing antenna facility on this project site has shown to be ideal for the location of this antenna facility given the past ten years of reliable signal coverage. The existing antenna elevation is needed to provide service to the surrounding area and to re-locate the antennas would significantly reduce and limit the existing signal strength current provided by the existing site. While a one-mile search ring is required under City telecommunications guidelines for the Site Justification Map, in the instance of this project an alternative project location would have to be located within one-quarter mile of the existing antenna facility to be relocated. This project's Site Justification Map shows the surrounding existing antenna facilities and any relocation opportunities within one-mile, but, as noted, in fact a replacement location would have to be within one-quarter mile of the existing antenna facility. Within the one-mile radius around the project site, there are six existing antenna facilities, however, within the actual functional one-quarter mile search ring there is only one other existing antenna facility tower and that is one of two County of San Diego communications lattice towers in the local area. The County does not allow commercial antennas to be collocated onto their antenna towers; as such, this alternative project location is not feasible or available. The same would apply to all of the other existing telecommunication and other antenna facilities within the one-mile radius of the project site.

Surrounding Properties

North: To the north of the project site are properties in the Kearny Mesa area developed with the same industrial/office uses as the subject project site and, further north, State Highway/Freeway 52 and the Miramar Air Station. These adjacent properties are similar to the subject project site in their development and elevation and do not offer any significant advantages over the subject project site. Nothing would be gained by moving this existing antenna facility to another nearby similarly-developed property. State

Highway/Freeway 52 does not offer any antenna facility location opportunities and the Miramar Air Station would not allow an antenna facility on their property that would provide quality and reliable wireless telecommunication service to the Kearny Mesa area.

East, South and West: To the east, south and west of the project site are properties in the Kearny Mesa area developed with similar industrial/office uses as the subject project site. These adjacent properties are similar to the subject project site in their development and elevation and do not offer any significant advantages over the subject project site. Nothing would be gained by moving this existing antenna facility to another nearby similarly-developed property.

The following existing antenna facilities within a one-mile radius of the project site are not suitable alternative project locations, as follows:

- 1) Cingular, 5710 Kearny Villa Road – This is a wall-mounted antenna facility on an approximately two-story, approximately 24-foot high commercial building located over one-half mile west from the project site. The antenna rad centers are only about 22 feet above ground level and the antenna placement has not left much room for other antennas on the building façade. With its location over one-half mile from the project site, its low height and the limited room on the building faced for additional antennas, this existing antenna facility does not offer a reasonable or operational alternative project location. It could not replicate the coverage and capacity of the current project location.
- 2) Paging Service (operator unknown), 5735 Kearny Villa Road – This is an approximately 80 foot high narrow lattice tower that rises out of an industrial unit in an industrial park development. It supports a number of paging and other communication antennas, but there are no cellular or PCS antennas on this lattice tower. The narrow tower could not hold the weight of the number of antennas needed to replicate the coverage and capacity of the current project site.
- 3) Sprint/ATT, 5571 Topaz Way – This is a 120-foot high steel monopole in an industrial area over one-half mile from the project site. Like the subject Verizon Wireless antenna facility, this facility is the subject of an effort to re-instate the land use entitlements under PTS# 90486 and its existence is questionable. Also, there is a lack of ground space for any related electronic equipment. Given its distance from the actual center of the intended service area, its availability questionable and the lack of ground space for equipment, this existing antenna facility does not offer a reasonable or operational alternative project location. It could not replicate the coverage and capacity of the current project location.
- 4) County Communication Tower, Overland Avenue – This County-owned lattice tower is suitable for co-location. The County does not allow commercial wireless telecommunication antennas on their communication towers.

- 5) County Communication Tower, Farnham Street – This County-owned lattice tower is suitable for co-location. The County does not allow commercial wireless telecommunication antennas on their communication towers.
- 6) Cingular, 5201 Ruffin Road – This small scale, “popsicle stick” antenna support facility is located in the parking lot for the County Operations Building. These two narrow poles are only approximately 25 feet high and already support the maximum three panel antennas each. The facility is also over one-half mile from the current project site. Given its distance from the actual center of the intended service area and lack of antenna space on these low-elevation poles, this existing antenna facility does not offer a reasonable or operational alternative project location. It could not replicate the coverage and capacity of the current project location.

Given the existing operational efficiency of the existing Verizon Wireless antenna facility due to the site's elevation and location behind a two-story office building, the existing project site and antenna facility represent the most-reasonable location of the antenna facility under this requested CUP land use entitlement re-instatement.

Conditional Use Permits Findings

- a) **The proposed development will not adversely affect the applicable land use plan.**

The Kearny Mesa Community Plan designates the site for industrial land uses and the site is zoned for industrial land uses (IL-2-1). Wireless antenna facilities are considered to be consistent with these designations according to the findings for CUP No. 96-0172. The existing antenna facility has operated for over ten years without complaints or problems. The 55-foot high steel monopole antenna support is significantly screened from public views by the surrounding two-story office and industrial buildings and does not create any adverse visual impacts as discussed above.

- b) **The proposed development will not be detrimental to the public health, safety, and welfare.**

The existing antenna facility has operated for over ten years without complaints or problems and has provided quality and reliable wireless telecommunication services for those ten years. The 55-foot high steel monopole antenna support is significantly screened from public views by the surrounding two-story office and industrial buildings.

- c) The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.**

The Kearny Mesa Community Plan designates the site for industrial land uses and the site is zoned for industrial land uses. Wireless antenna facilities are considered to be consistent with these designations according to the findings for CUP No. 96-0172. The existing antenna facility has operated for over ten years without complaints or problems and has provided quality and reliable wireless telecommunication services for those ten years. Its appearance will be improved under the requested land use entitlement re-instatement by replacing the existing monopole with a broadleaf tree antenna support.

- d) The proposed use is appropriate at the proposed location.**

The existing antenna facility has operated for over ten years without complaints or problems. The 55-foot high steel monopole antenna support is significantly screened from public views by the surrounding two-story office and industrial buildings.

No changes are proposed to the existing antenna facility with the exception of the addition of the previously-approved (but never installed) 15 additional panel antennas on new mounting arms placed directly below the existing antenna mounting arms; two additional omni-directional antennas and two digital dish antennas. The request involves the re-instatement of the expired land use entitlements granted under CUP 96-0172. The existing antenna height of 55 feet is sufficient for the continued technically efficient operation of the facility. It allows the antennas to peek over the existing surrounding two-story office/industrial buildings and provide adequate and reliable service to the Kearny Mesa area. While the antennas are supported by the 55-foot high steel monopole, the monopole is screened by the existing surrounding two-story office/industrial buildings.

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- b) **View 2:** This view looks north across Hazard Way to the south of the project site towards the existing antenna facility. As can be seen in the photo simulation, the existing antenna facility is located in the rear of the property in the middle of the long parking lot running along the rear of the existing two-story, 31-foot high office buildings. While there is a direct view of the antenna facility down this parking lot, it is a brief view for passing motorists. Vehicles moving at typical speeds along Hazard Way would not have significant views of the existing or proposed antenna facility.
- c) **View 3:** This view looks southwest across the intersection of Ruffin Road and Chesapeake Drive to the northeast of the project site towards the existing antenna facility. As can be seen in the photo simulation, the existing antenna facility cannot be seen from this major intersection because of the intervening buildings and heavy mature tree cover. Vehicles sitting at this intersection or moving through it at typical speeds would not have significant views of the existing or proposed antenna facility.

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Telecomm Adjacent Facility Map

The Telecomm Adjacent Facilities are shown on the Justification Map attached to this document.

Telecomm Coverage Map

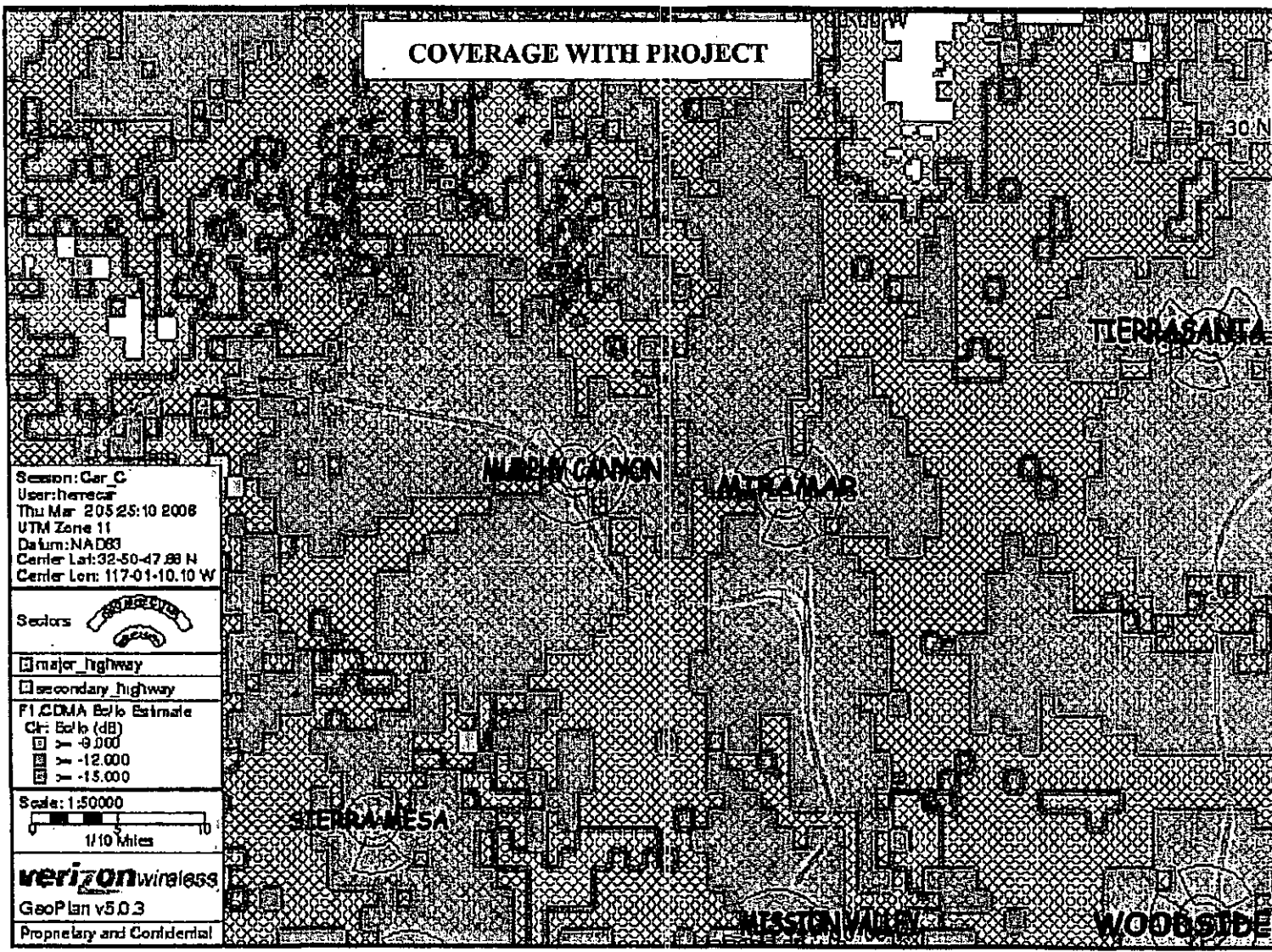
The Telecomm Coverage (Propagation) Map is attached to this document.

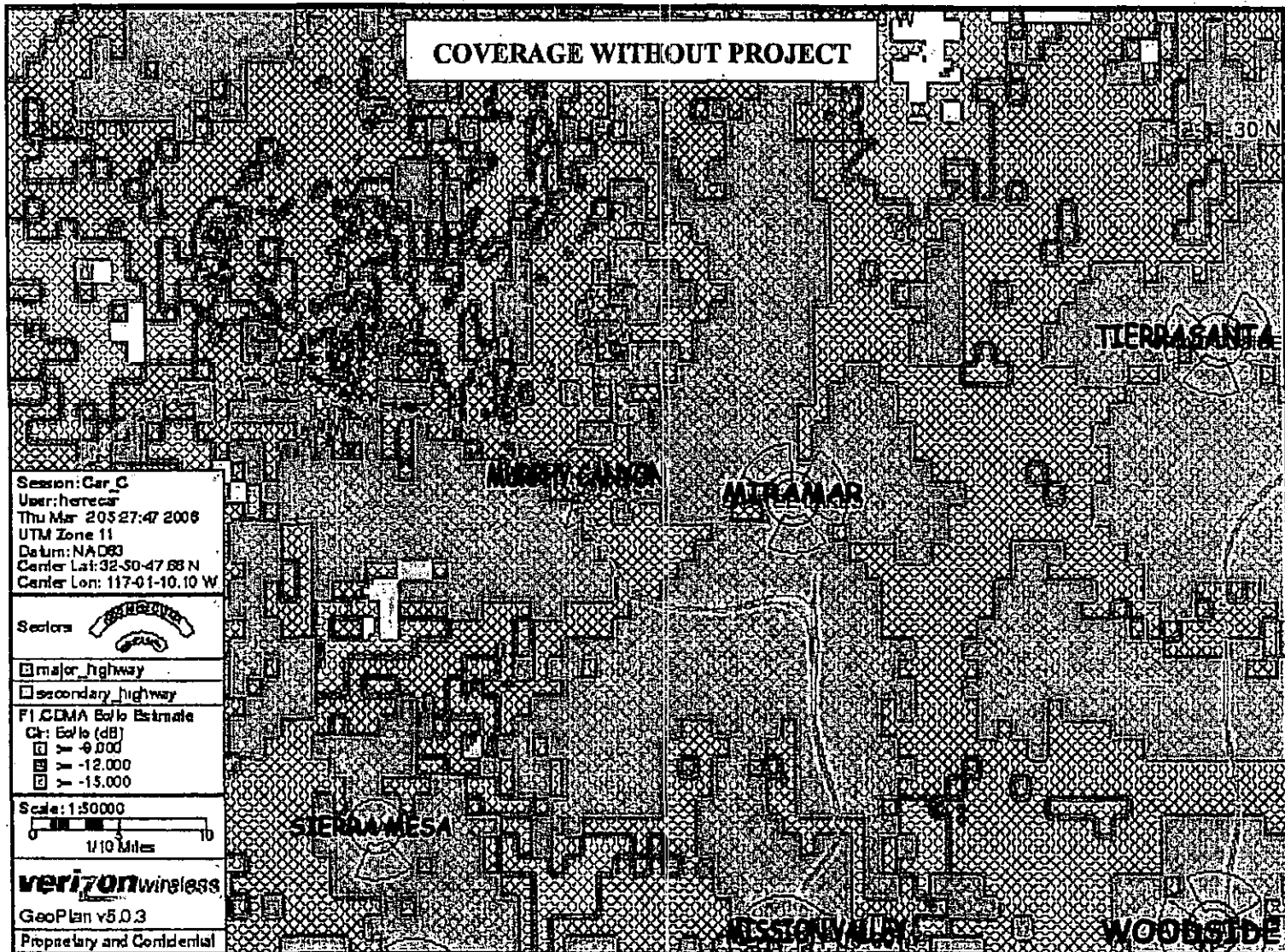
Telecomm Search Ring

The Telecomm Search Ring is shown on the Justification Map attached to this document.

Telecomm Adjacent Land Use Map

The Telecomm Adjacent Land Use is shown on the Justification Map attached to this document.

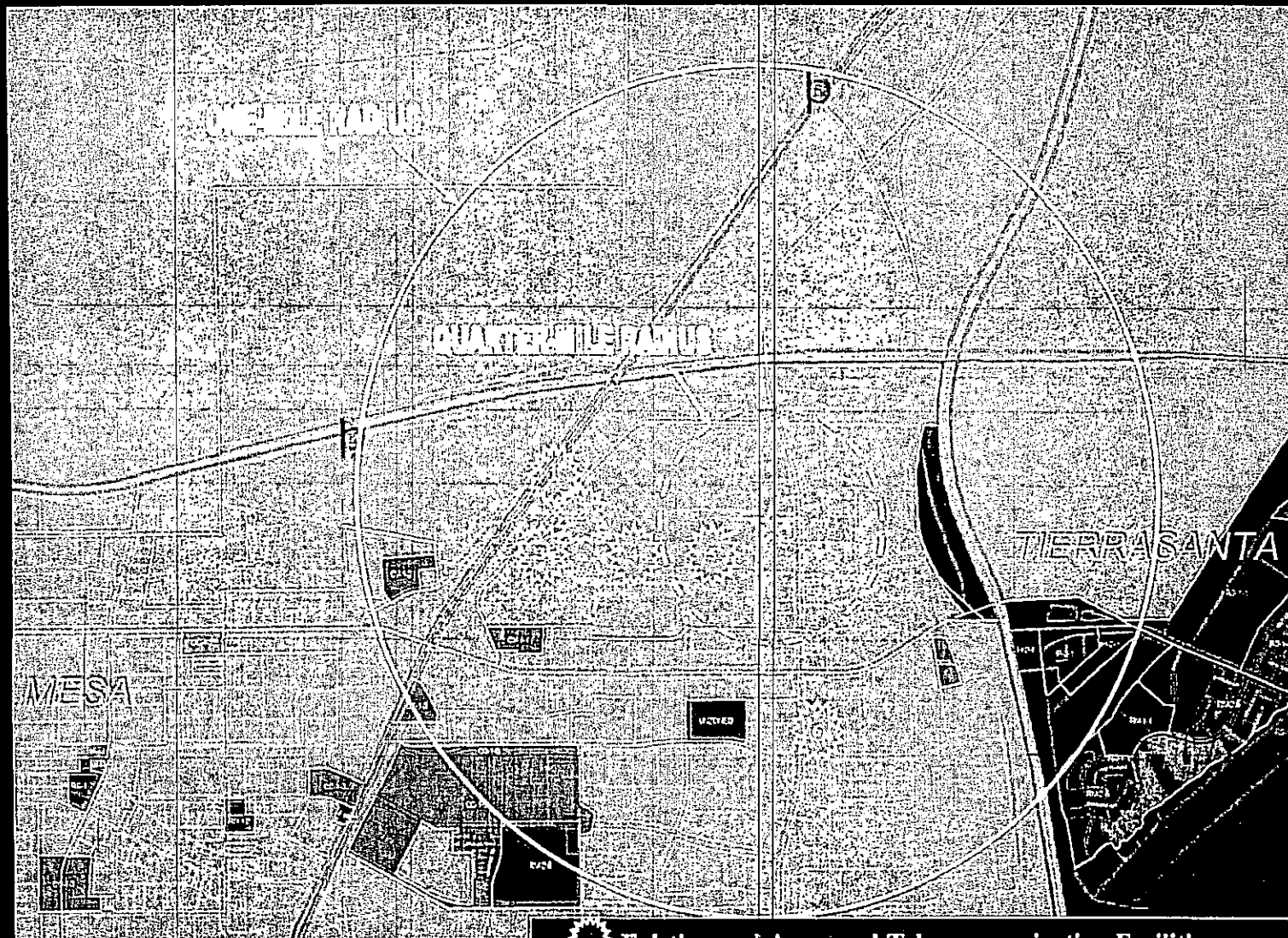




Justification Map: "Murphy Canyon" Verizon Wireless (PTS# 112854)

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LEGEND



Search Ring



Alternative Sites



Selected Site/Project Site



Existing and Approved Telecommunication Facilities

1. Cingular, 5710 Kearney Villa Road (Façade-mount/PTS Unknown)
2. Paging Services, 5735 Kearney Villa Road (Lattice/PTS Unknown)
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4. County Communication Tower, Overland Avenue (Lattice tower/PTS Unknown)
5. County Communication Tower, Farnham Street (Lattice tower/PTS Unknown)
6. Cingular, 5201 Ruffin Road, (Two pole supports/PTS Unknown)

ATTACHMENT 12

**Verizon Wireless Land Use Entitlement Re-Instatement
Existing Antenna Facility at 9323 Chesapeake Drive, San Diego, CA**

000101

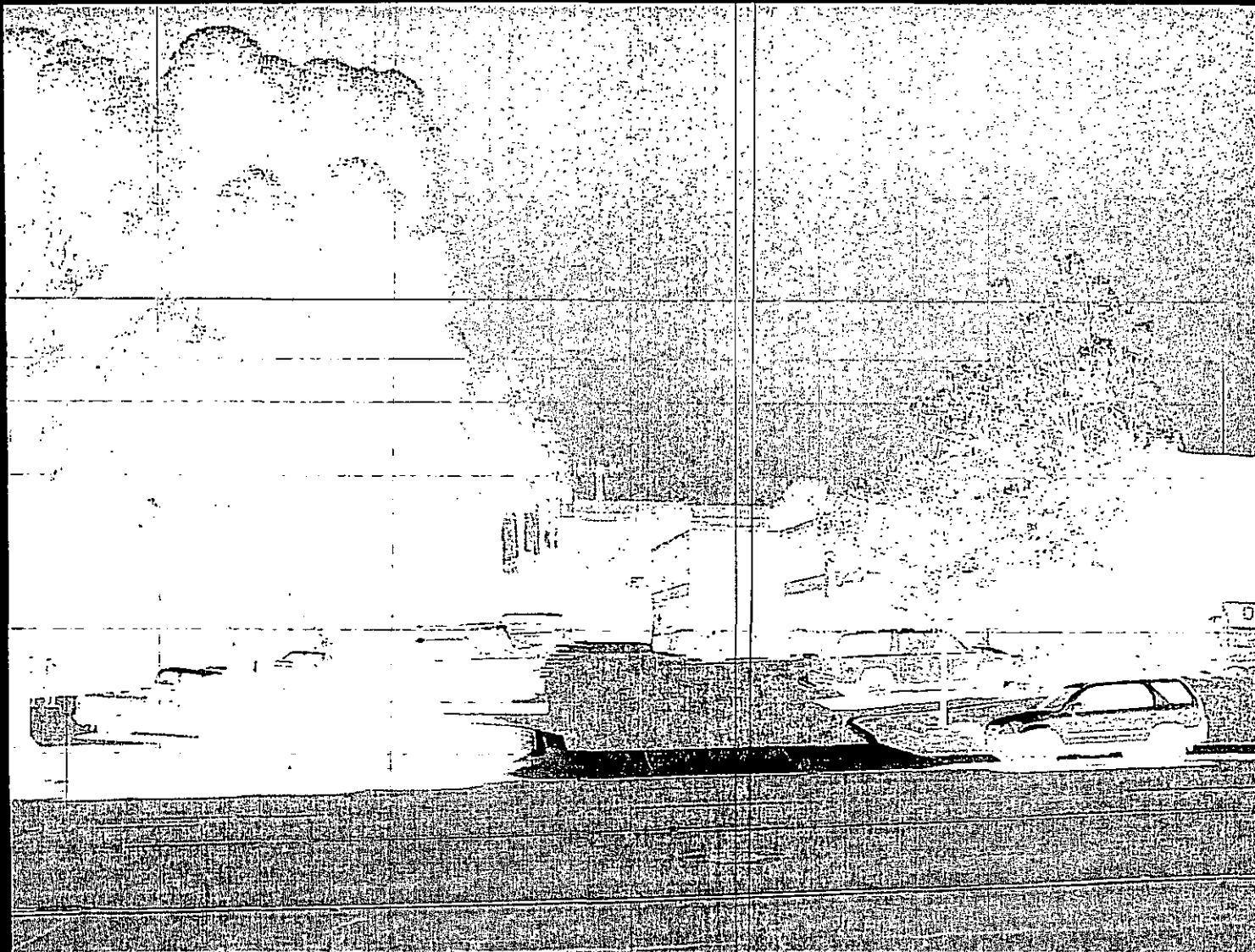


Photo Simulation View 1 (Before): Looking west across Ruffin Road over the existing two-story office building towards the existing 55-foot high steel monopole antenna support.

ATTACHMENT 12

**Verizon Wireless Land Use Entitlement Re-Instatement
Existing Antenna Facility at 9323 Chesapeake Drive, San Diego, CA**

000102

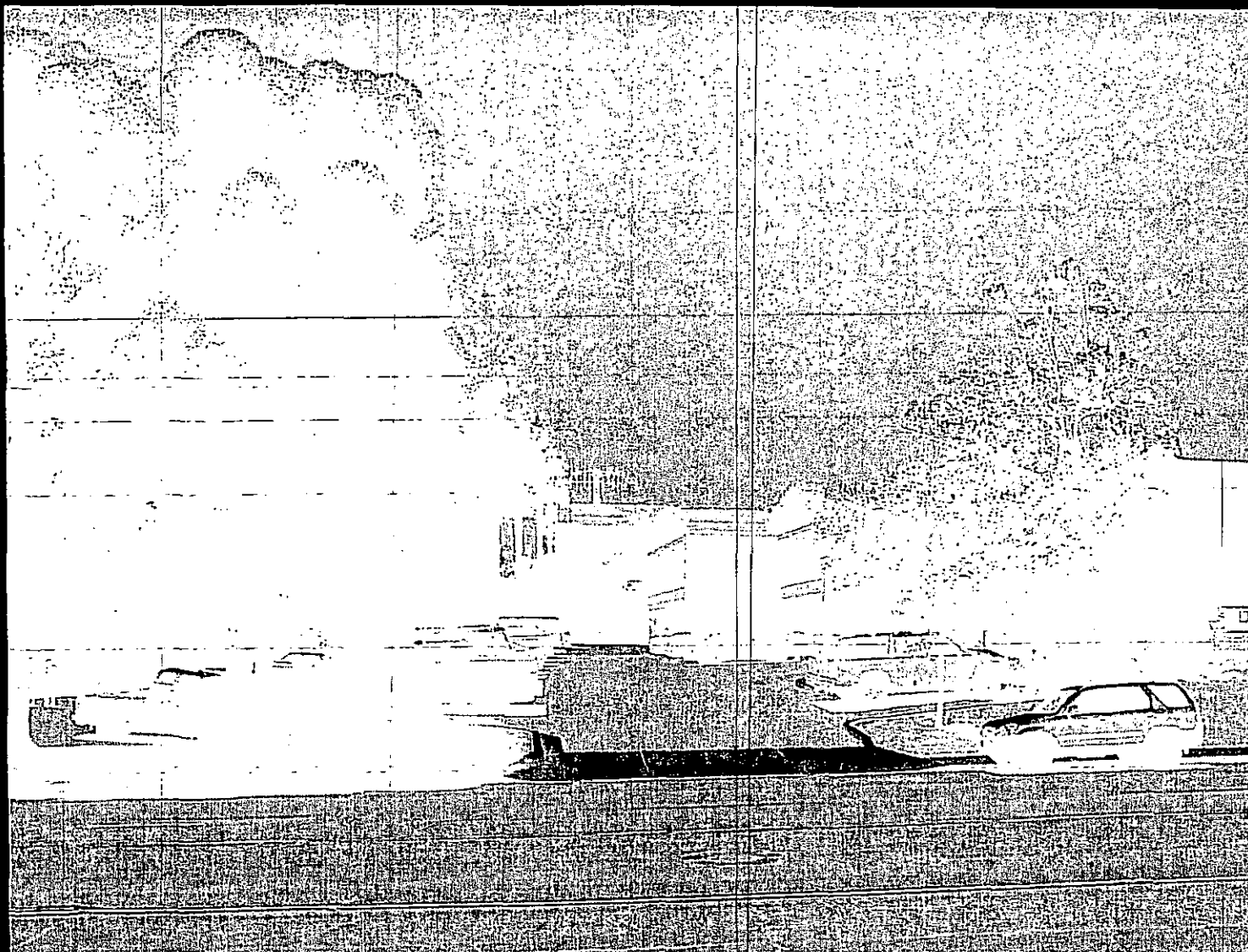


Photo Simulation View 1 (After): Looking west across Ruffin Road over the existing two-story office building towards the existing 55-foot high steel monopole antenna support showing the facility at full build out.

ATTACHMENT 12

**Verizon Wireless Land Use Entitlement Re-Instatement
Existing Antenna Facility at 9323 Chesapeake Drive, San Diego, CA**

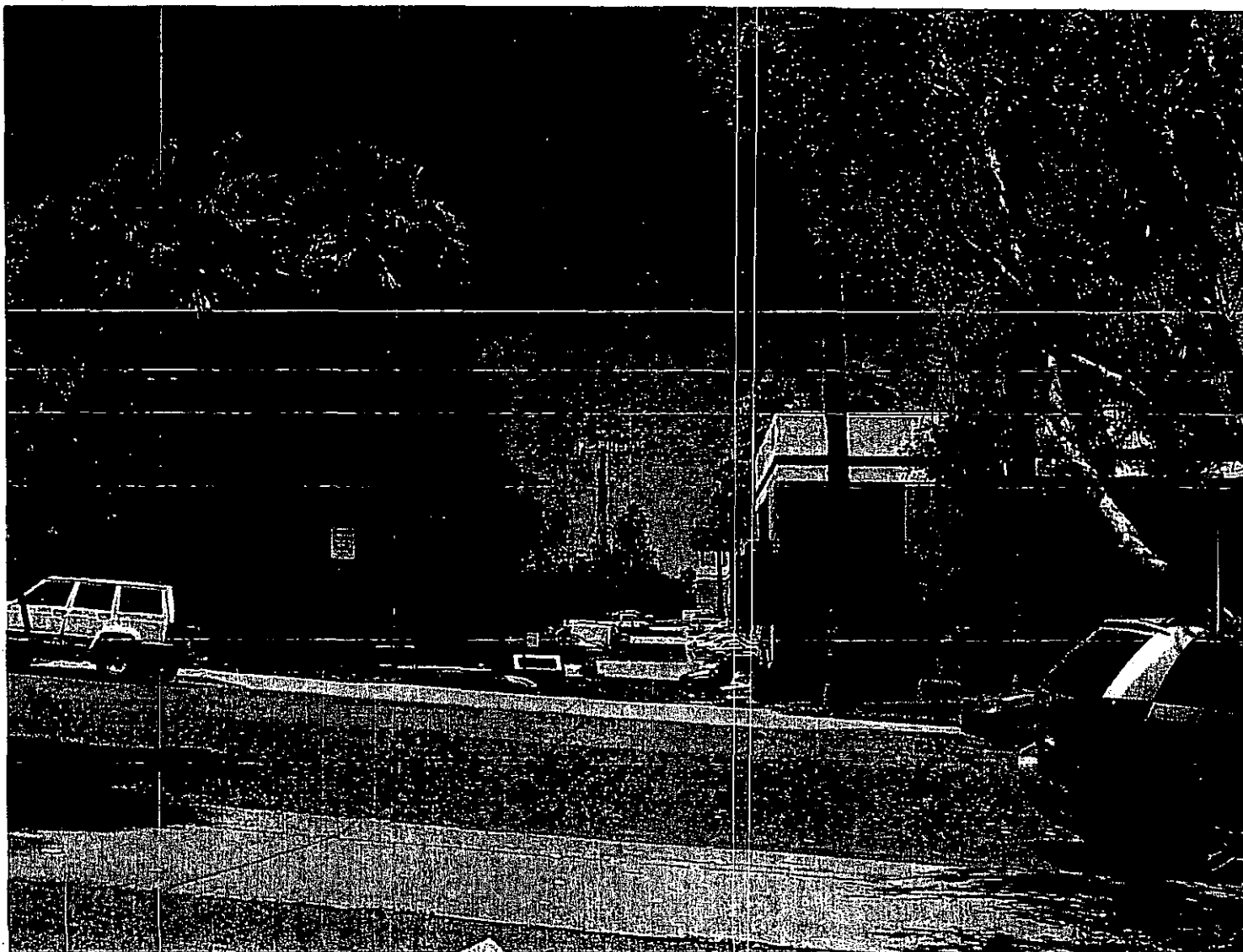


Photo Simulation View 2 (Before): Looking north from across Hazard Way towards the existing 55-foot high steel monopole antenna support behind the existing two-story office building.

**Verizon Wireless Land Use Entitlement Re-Instatement
Existing Antenna Facility at 9323 Chesapeake Drive, San Diego, CA**

000104

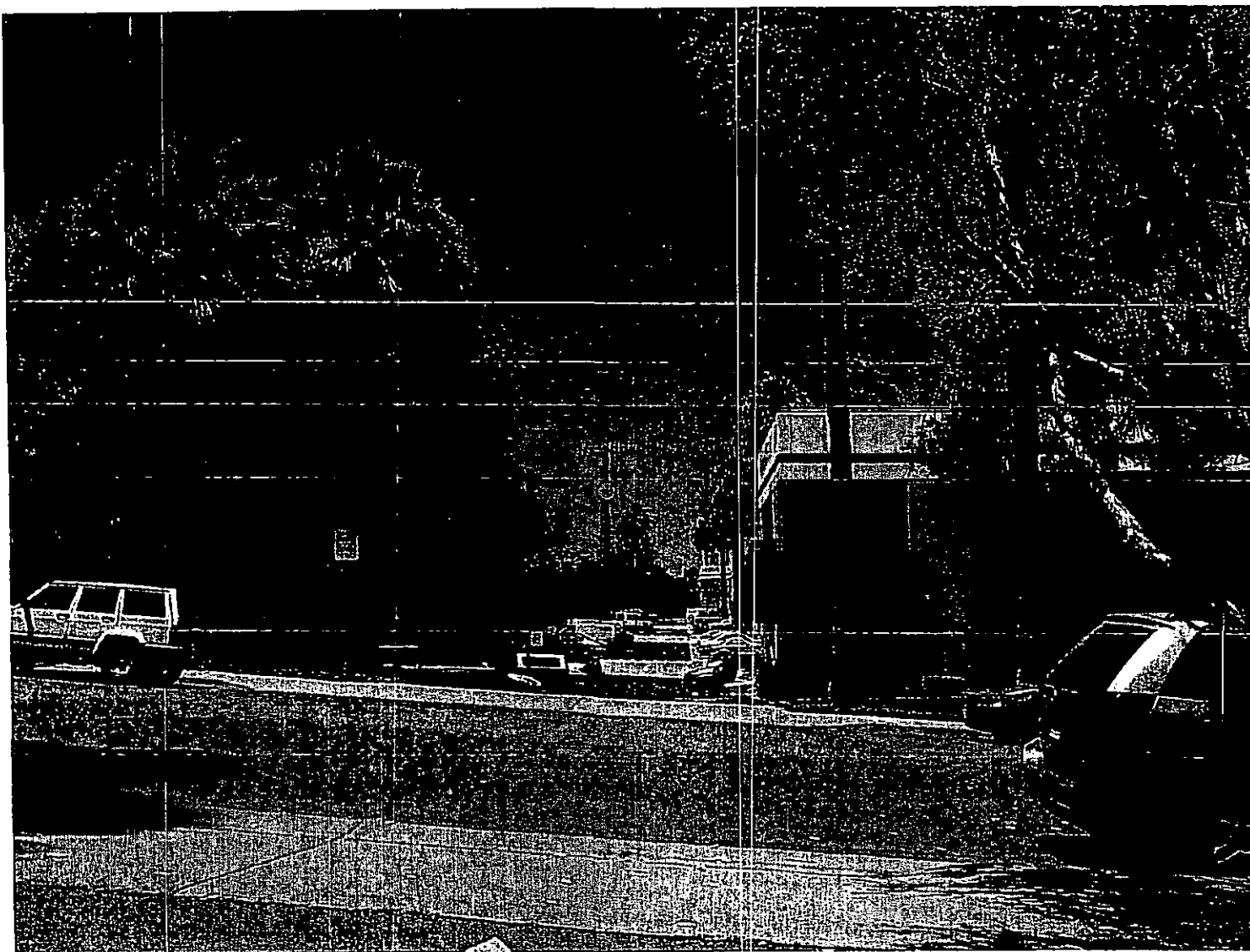


Photo Simulation View 2 (After) : Looking north from across Hazard Way towards the existing 55-foot high steel monopole antenna support behind the existing two-story office building and its built out condition.

ATTACHMENT 12

**Verizon Wireless Land Use Entitlement Re-Instatement
Existing Antenna Facility at 9323 Chesapeake Drive, San Diego, CA**

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Photo Simulation View 3 (Before): Looking southwest across the intersection of Ruffin Road and Chesapeake Drive over the existing buildings towards the existing 55-foot high steel monopole antenna support. It cannot be seen from this perspective.

ATTACHMENT 12

**Verizon Wireless Land Use Entitlement Re-Instatement
Existing Antenna Facility at 9323 Chesapeake Drive, San Diego, CA**

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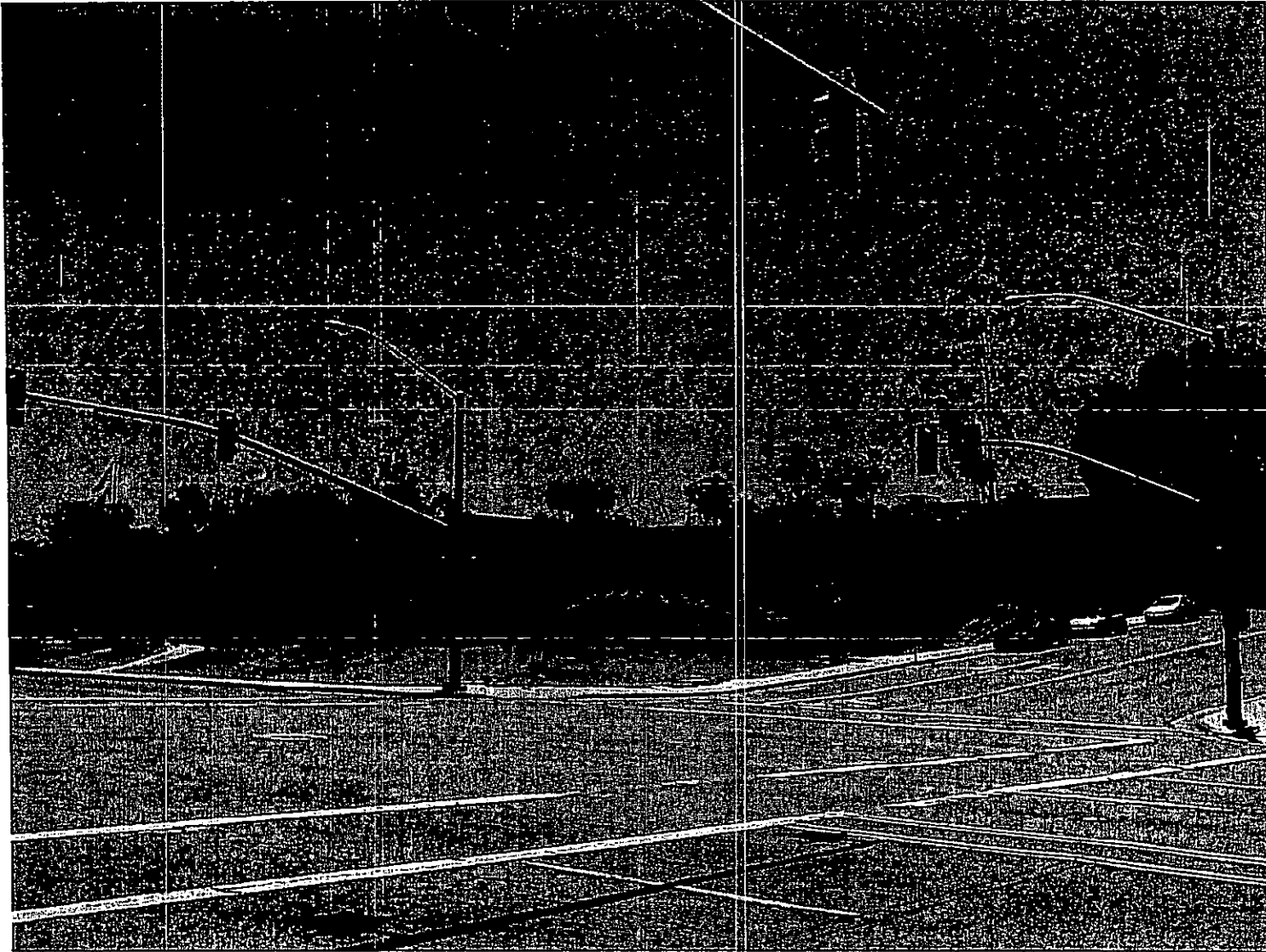
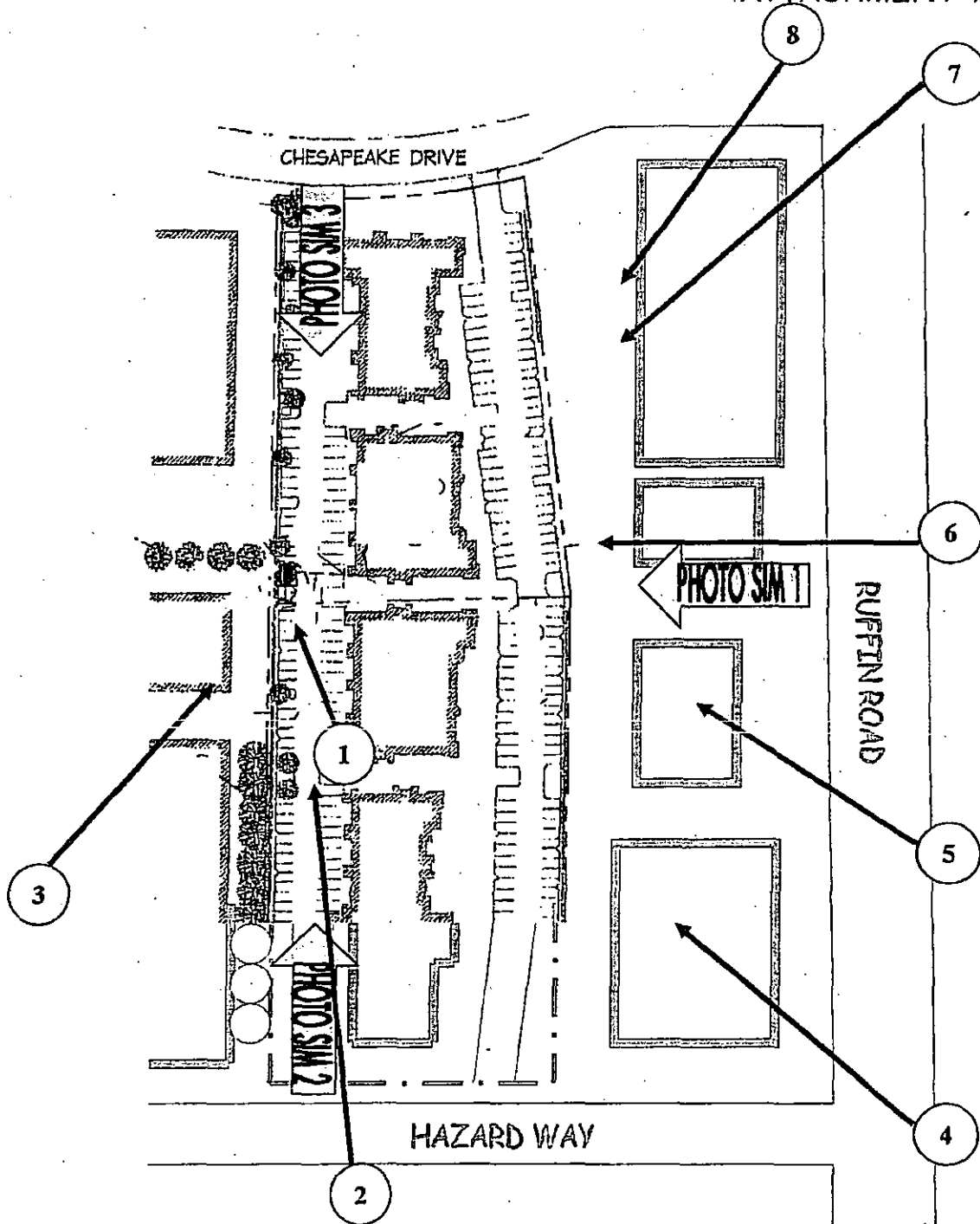


Photo Simulation View 3 (After): Looking southwest across the intersection of Ruffin Road and Chesapeake Drive over the existing buildings towards the existing 55-foot high steel monopole antenna support. It cannot be seen from this perspective.

ATTACHMENT 12



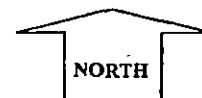
KEY MAP FOR PHOTO SIMULATIONS AND PHOTO SURVEY



Photo Simulation View Location

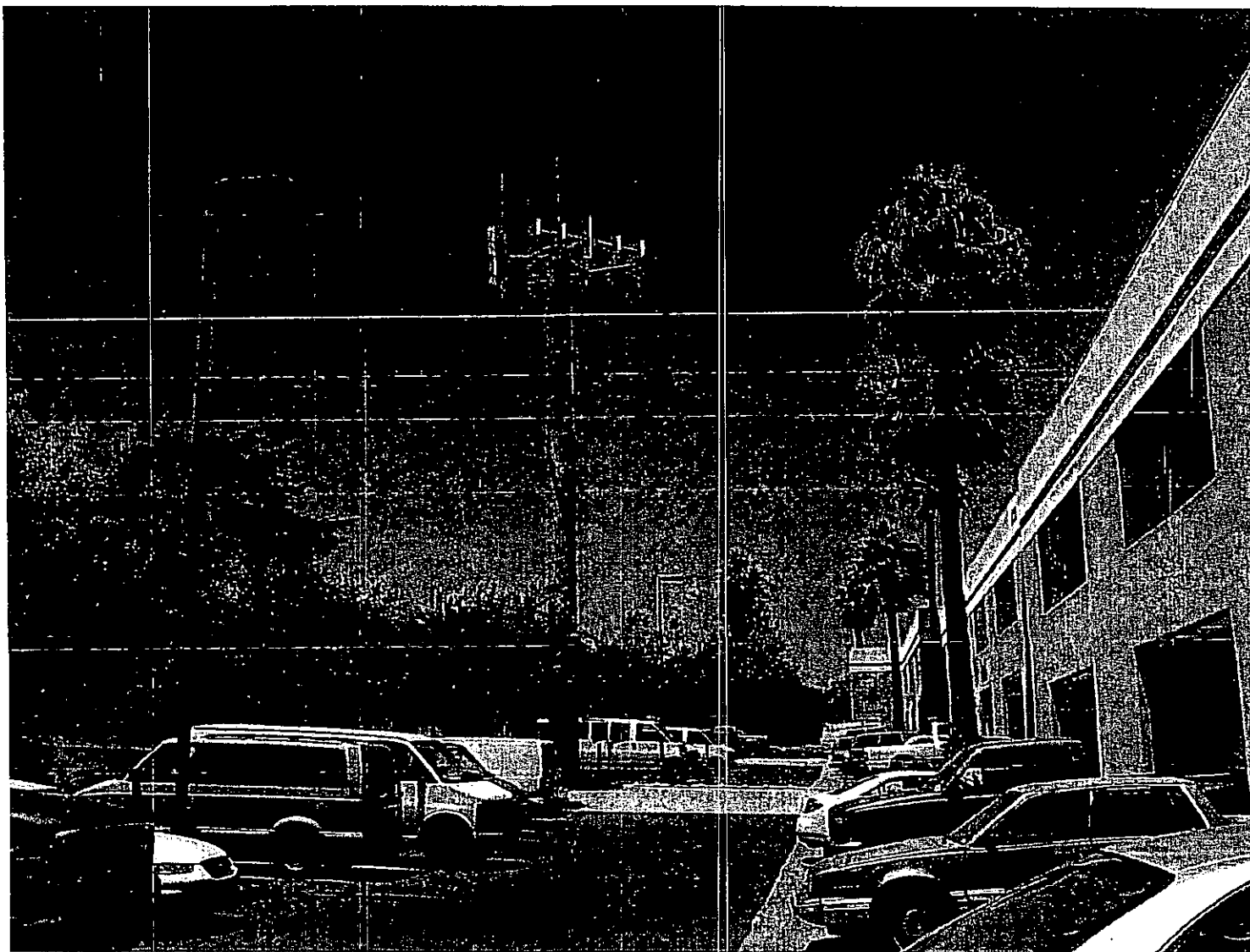


Photo Survey View Location



**Verizon Wireless Land Use Entitlement Re-Instatement
Existing Antenna Facility at 9323 Chesapeake Drive, San Diego, CA**

000108



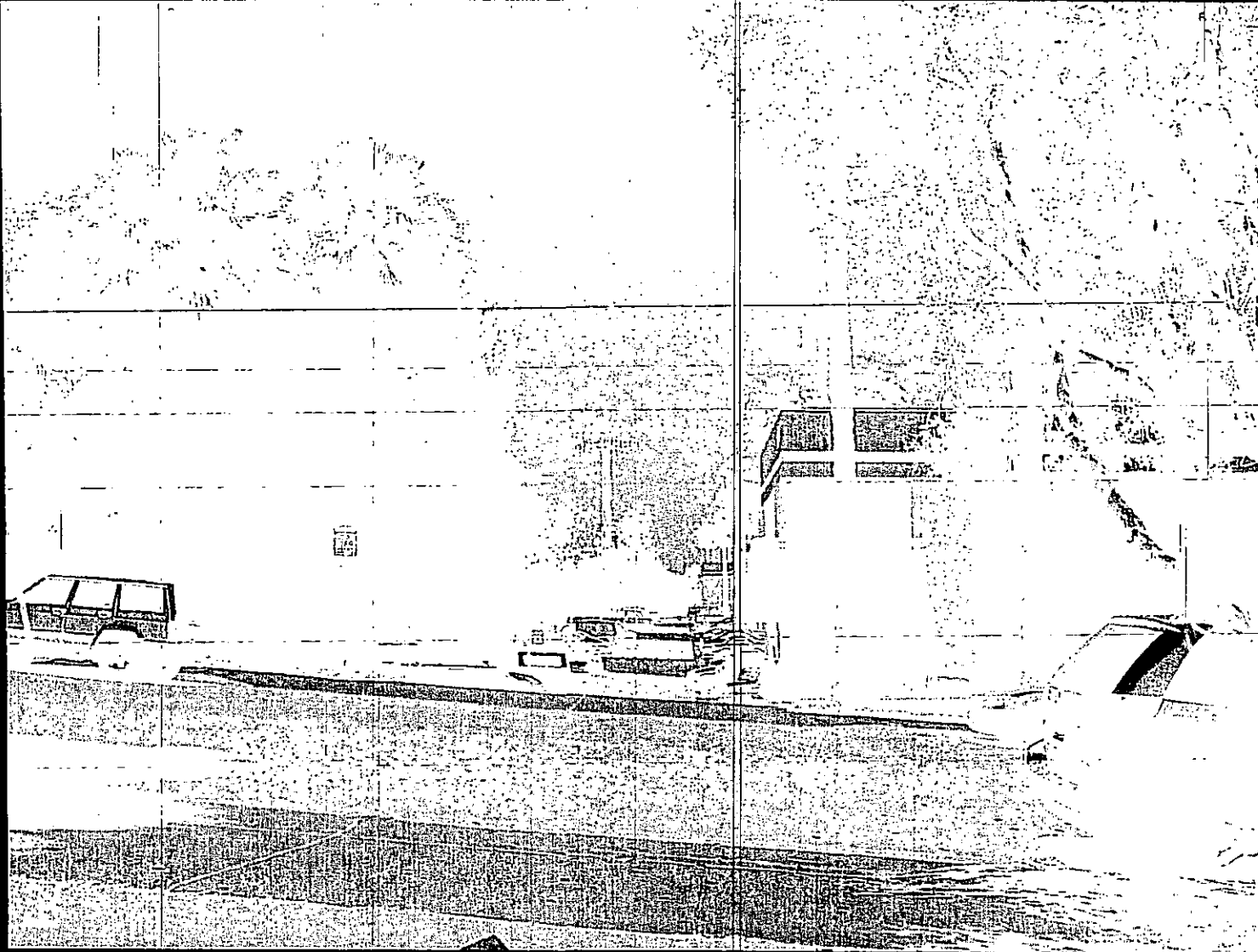
VIEW 1: Looking north along the rear parking lot of the subject property towards the existing 55-foot high steel monopole antenna support behind the existing two-story office building.

ATTACHMENT 12

**Verizon Wireless Land Use Entitlement Re-Instatement
Existing Antenna Facility at 9323 Chesapeake Drive, San Diego, CA**

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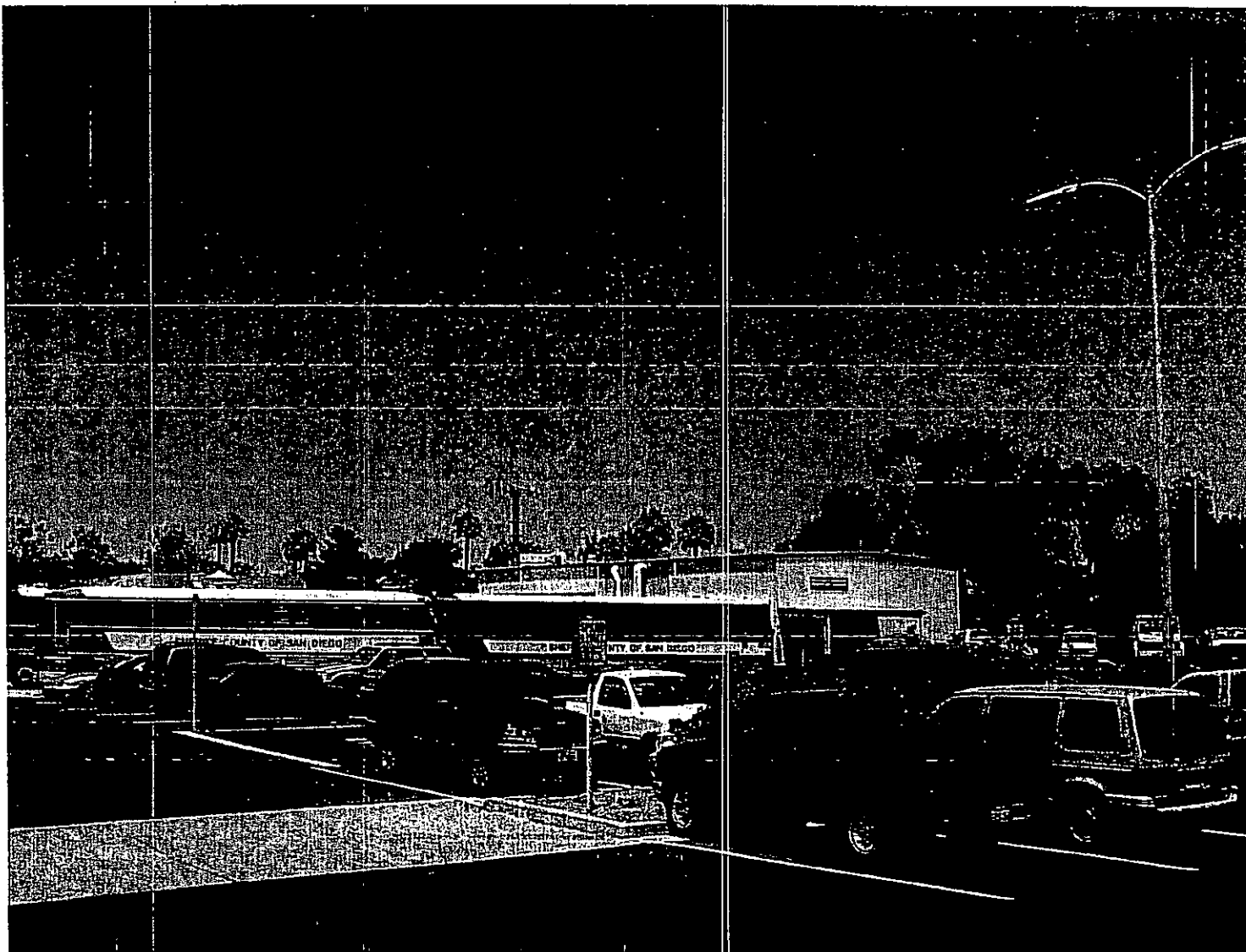
VIEW 2: Looking north from across Hazard Way towards the existing 55-foot high steel monopole antenna support behind the existing two-story office building.

ATTACHMENT 12

**Verizon Wireless Land Use Entitlement Re-Instatement
Existing Antenna Facility at 9323 Chesapeake Drive, San Diego, CA**

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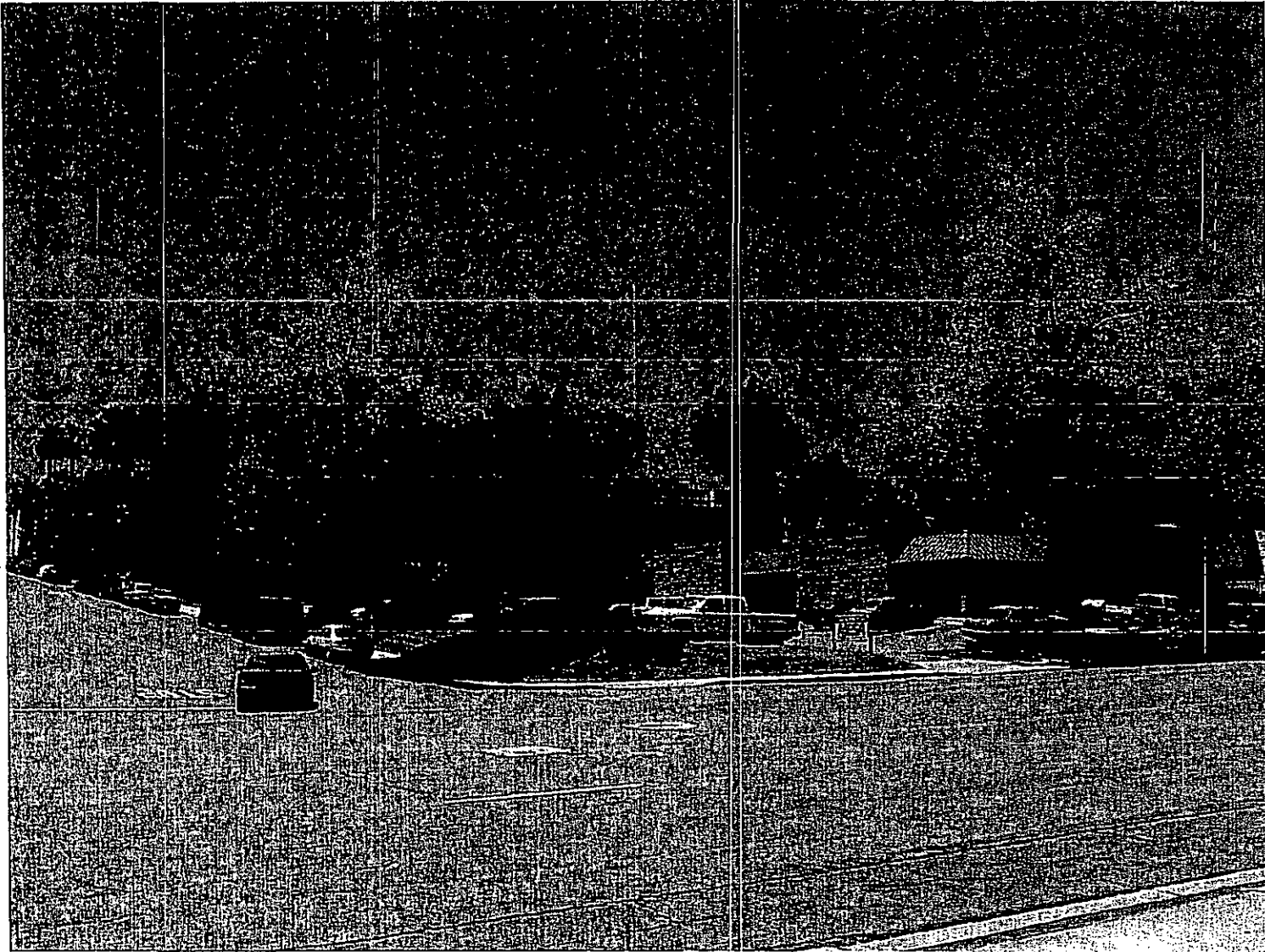
VIEW 3: Looking northeast across the adjacent County facility parking lot towards the existing 55-foot high steel monopole antenna support.

ATTACHMENT 12

**Verizon Wireless Land Use Entitlement Re-Instatement
Existing Antenna Facility at 9323 Chesapeake Drive, San Diego, CA**

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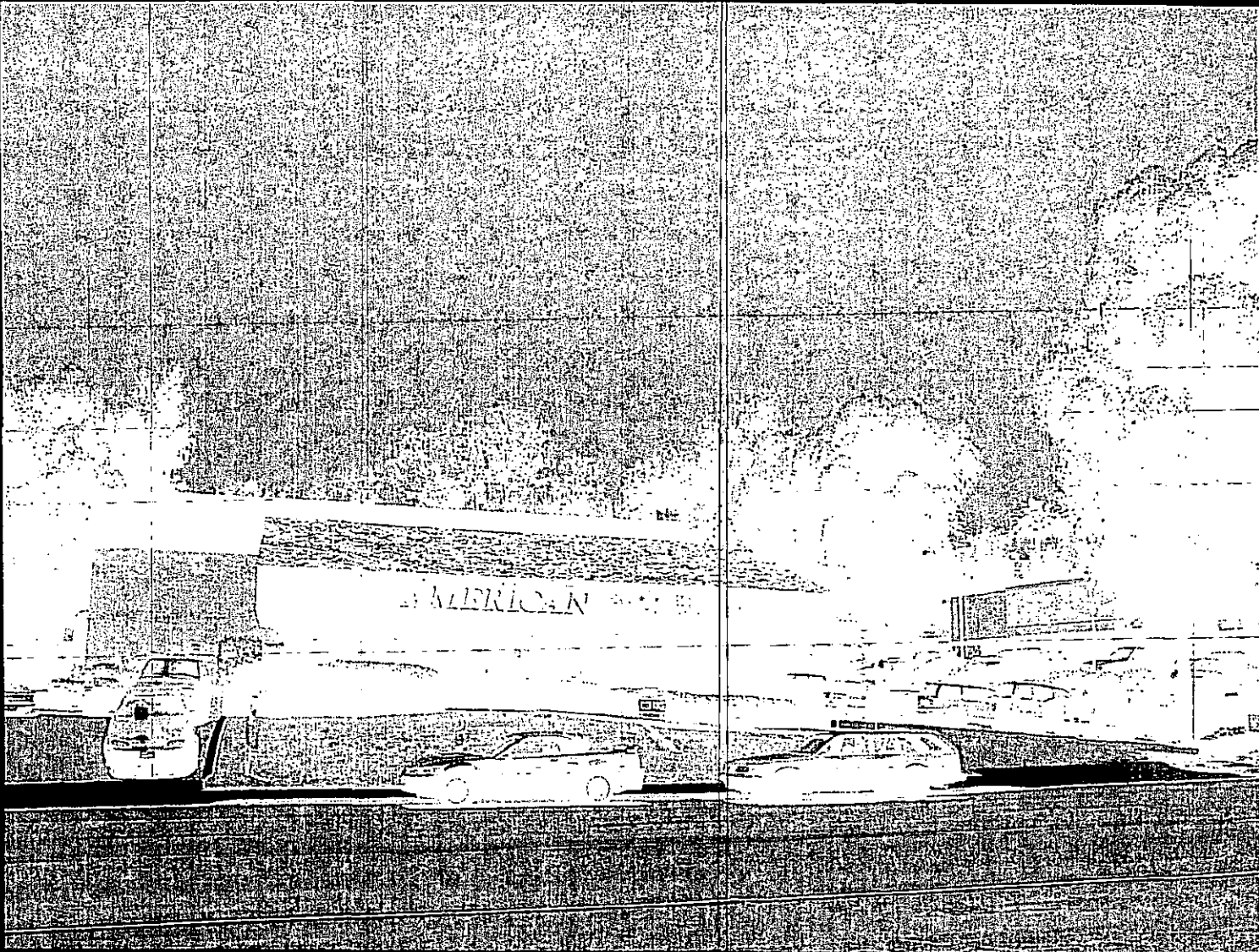


VIEW 4: Looking northwest across the intersection of Ruffin Road and Hazard Way over the existing two-story office buildings towards the existing 55-foot high steel monopole antenna support. It cannot be seen from this location.

ATTACHMENT 12

**Verizon Wireless Land Use Entitlement Re-Instatement
Existing Antenna Facility at 9323 Chesapeake Drive, San Diego, CA**

000112

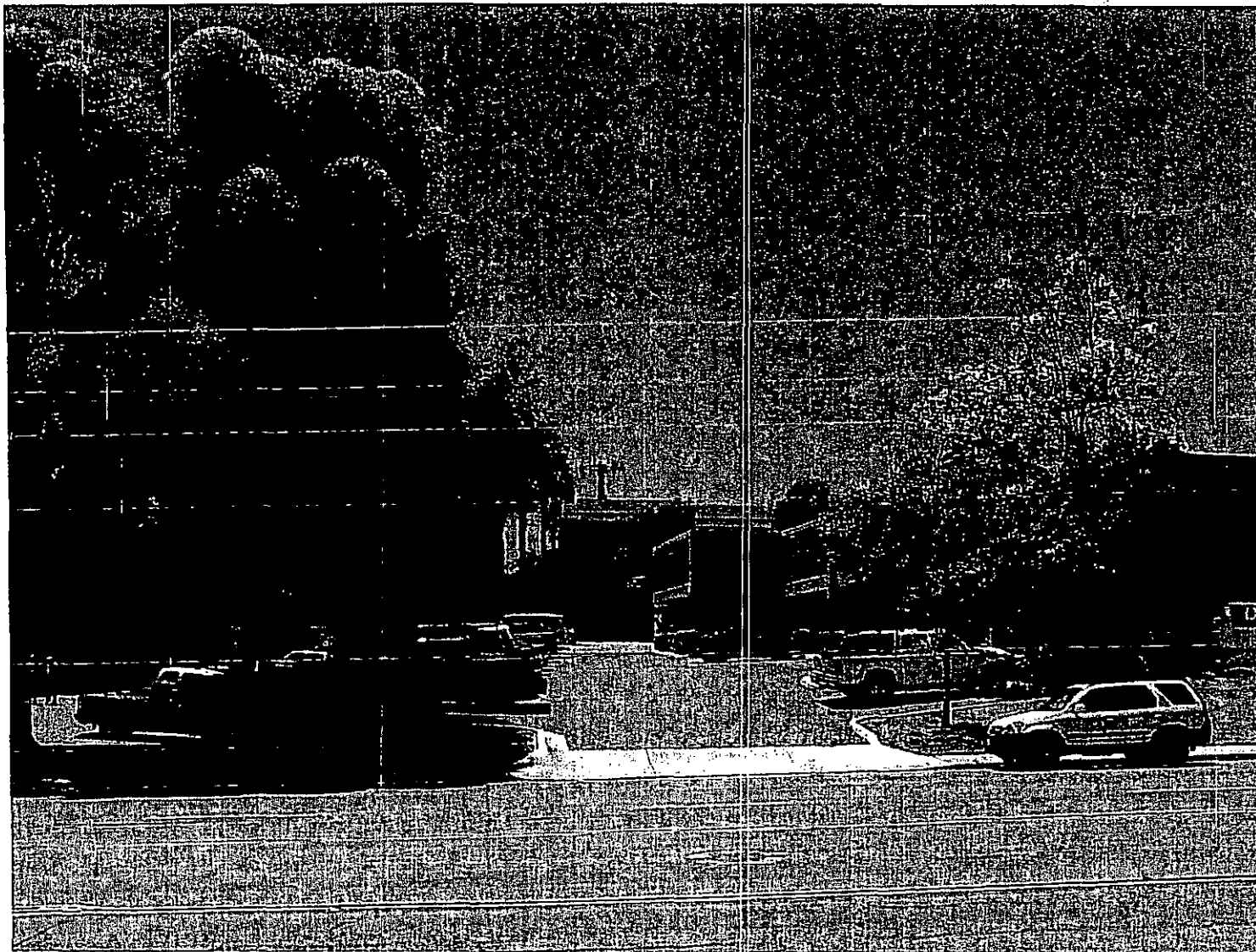


VIEW 5: Looking across Ruffin Road over the existing buildings and through the existing tree cover towards the existing 55-foot high steel monopole antenna support. It cannot be seen from this location.

**Verizon Wireless Land Use Entitlement Re-Instatement
Existing Antenna Facility at 9323 Chesapeake Drive, San Diego, CA**

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VIEW 6: Looking west across Ruffin Road over the existing two-story office building towards the existing 55-foot high steel monopole antenna support. The top of the antenna facility can only be briefly seen from this location from a passing vehicle.

ATTACHMENT 12

**Verizon Wireless Land Use Entitlement Re-Instatement
Existing Antenna Facility at 9323 Chesapeake Drive, San Diego, CA**

000114

ATTACHMENT 12

Page 26 of 27

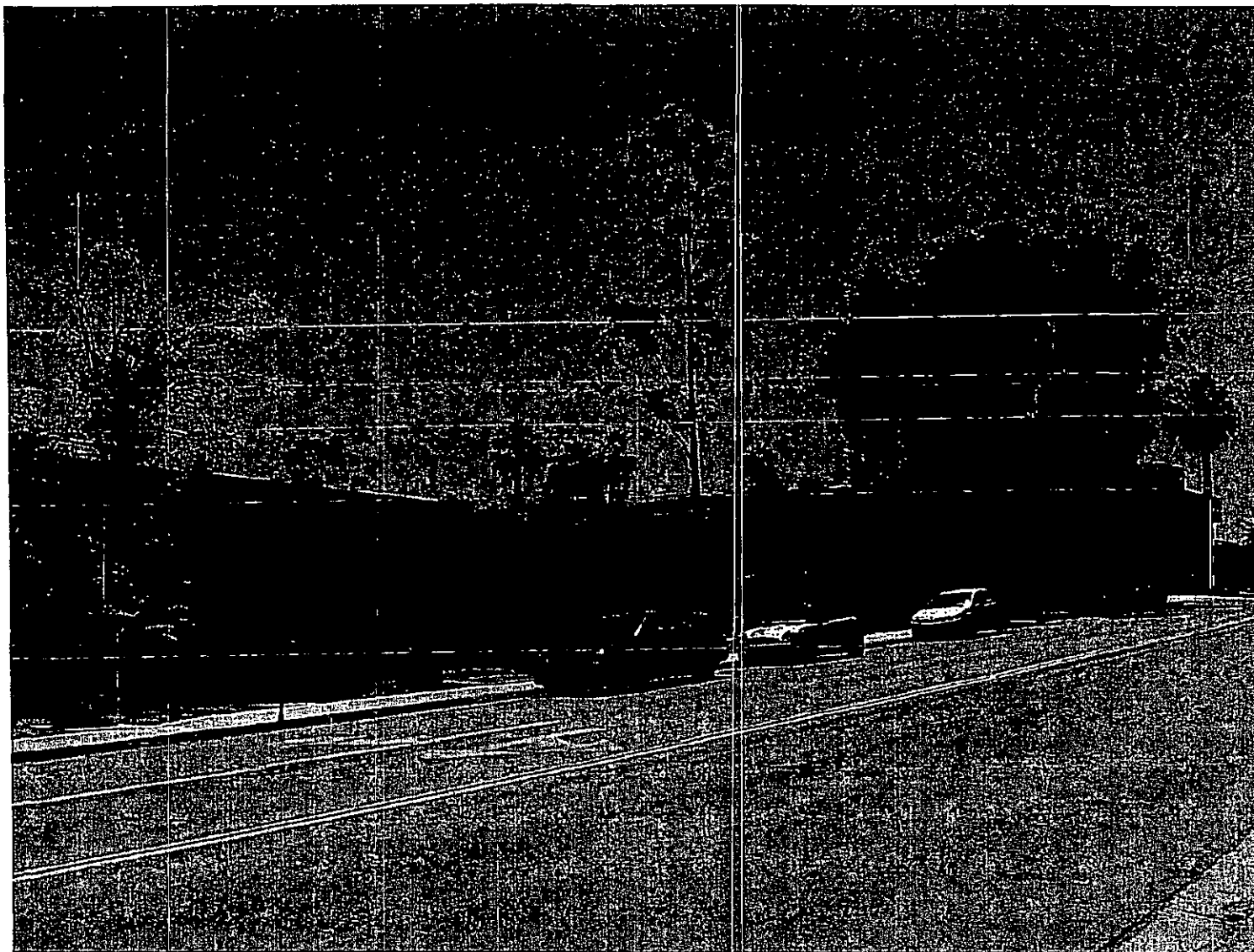


VIEW 7: Looking southwest across the intersection of Ruffin Road and Chesapeake Drive over the existing buildings towards the existing 55-foot high steel monopole antenna support. It cannot be seen from this location.

**Verizon Wireless Land Use Entitlement Re-Instatement
Existing Antenna Facility at 9323 Chesapeake Drive, San Diego, CA**

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VIEW 8: Looking southwest across Chesapeake Drive over the existing buildings towards the existing 55-foot high steel monopole antenna support. It is difficult to see from this perspective.

ATTACHMENT 12

Kearny Mesa Planning Group

C/O Gibbs Flying Service, Inc.
8906 Aero Drive, San Diego, CA 92123
858-277-0162 FAX 858-277-0854
www.geocitles.com/kearmymesaplaninggroup

April 2, 2007

Alexander Hempton, Project Manager
City of San Diego
Development Services Department
1222 First Avenue, MS-302
San Diego, CA 92101

Re: Verison Murphy Canyon CUP
Project No. 112854, JO3 42-6938

Dear Mr. Hempton,

At the regularly scheduled meeting of the Kearny Mesa Planning Group, March 21, 2007, the group discussed the CUP application for the Verison Murphy Canyon wireless communications facility. The group understands this project, an existing 55' monopole tower with numerous antenna, as a new CUP request as the existing CUP has expired. After reviewing the drawings and hearing comments from members of the group who have visited the site, it was the consensus opinion that this facility is not very visible from the public right of way. The Kearny Mesa Planning Group has an adopted policy of permitting antenna towers in the industrial zoned areas of Kearny Mesa that are less than 80' in height with the recommendation that the tower owner minimize the visual impact such as painting the tower with a low visibility color. This tower meets that criteria and therefore we recommend approval. The earlier CUP application and first assessment letter of October 19, 2006 stated that staff did not support the tower due to the visual impact. Planner Maxx Stalheim reported that staff is now in agreement that the proposed tower is compatible in the industrial area and is not a significant visual impact. Staff will be supporting the application. Upon a motion made and seconded the Kearny Mesa Planning Group voted 12-0-0 to recommend approval of the CUP application as presented.

Please give me a call if you need any further information.

Sincerely,


Buzz Gibbs

DETERMINATION OF ENVIRONMENTAL EXEMPTION

Pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines

Agency: CITY OF SAN DIEGO

Project No.: 112854

Date: October 17, 2006

Action/Permit(s): CUP, Process 3

Description of Activity: Verizon Murphy Canyon CUP for an existing telecom site in the IL -2-1 Zone in the Kearny Mesa Community Plan Area. If the project is redesigned, further review will be required and the exemption may no longer apply.
Applicant: John Bitterly 714-349-5539 point of contact.

Location of Activity: 9323 Chesapeake Drive, San Diego, Lot 21 of Map No. 8953, City and County of San Diego.

1. ☐ This activity is **EXEMPT FROM CEQA** pursuant to:
- ☐ Section 15060(b) (3) of the State CEQA Guidelines (the activity is not a project as defined in Section 15378).
2. ☒ This project is **EXEMPT FROM CEQA** pursuant to State CEQA Guidelines Section checked below:

ARTICLE 19 of GUIDELINES CATEGORICAL EXEMPTIONS (Incomplete list)


Section	Short Name
<input checked="" type="checkbox"/> 15301	Existing Facilities
<input type="checkbox"/> 15302	Replacement or Reconstruction
<input type="checkbox"/> 15303	New Construction or Conversion of Small Structures
<input type="checkbox"/> 15304	Minor Alterations to Land
<input type="checkbox"/> 15305	Minor Alteration in Land Use
<input type="checkbox"/> 15306	Information Collection
<input type="checkbox"/> 15311	Accessory Structures
<input type="checkbox"/> 15312	Surplus Government Property Sales
<input type="checkbox"/> 15315	Minor Land Divisions
<input type="checkbox"/> 15317	Open Space Contracts or Easements
<input type="checkbox"/> 15319	Annexation of Existing Facilities and Lots for Exempt Facilities
<input type="checkbox"/> 15325	Transfer of Ownership of Interest in Land to Preserve Open Space
<input type="checkbox"/> Other	

ARTICLE 18 of GUIDELINES STATUTORY EXEMPTIONS (Incomplete list)

Section	Short Name
<input type="checkbox"/> 15261	Ongoing Project
<input type="checkbox"/> 15262	Feasibility and Planning Studies
<input type="checkbox"/> 15265	Adoption of Coastal Plans and Programs
<input type="checkbox"/> 15268	Ministerial Projects
<input type="checkbox"/> 15269	Emergency Projects
<input type="checkbox"/> Other	

It is hereby certified that the City of San Diego
has determined the above activity to be exempt:

Distribution: Development Project Manager
Allison Sherwood, Senior Planner
Reviewers file


Allison Sherwood, SENIOR PLANNER
Environmental Analysis Section

Analyst: Lizzi

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ATTACHMENT 15

THE CITY OF SAN DIEGO

DATE OF NOTICE: May 21, 2008

NOTICE OF PUBLIC HEARING PLANNING COMMISSION

DATE OF HEARING:	June 5, 2008
TIME OF HEARING:	9:00 A.M.
LOCATION OF HEARING:	Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101
PROJECT TYPE:	CONDITIONAL USE PERMIT and PLANNED DEVELOPMENT PERMIT
PROJECT NUMBER:	112854
PROJECT NAME:	<u>VERIZON – MURPHY CANYON</u>
APPLICANT:	John Bitterly, The Planning Consortium, Inc. , agent for Verizon Wireless
COMMUNITY PLAN AREA:	Kearny Mesa
COUNCIL DISTRICT:	District 6
CITY PROJECT MANAGER:	Alex Hempton, AICP, Associate Planner
PHONE NUMBER:	(619) 446-5349

As a property owner, tenant or person who has requested notice, you should know that the Planning Commission will hold a public hearing to approve, conditionally approve, or deny an application for a Major Telecommunication Facility consisting of an existing 55-foot high monopole with antennas reaching a maximum height of 65 feet. The facility would consist of a maximum of 30 directional cellular antennas, six omni-directional antennas, and two digital dish antennas. Equipment associated with the antennas is located within an existing office building. This facility is located at 9323 Chesapeake Drive.

The decision of the Planning Commission is final unless the project is appealed to the City Council. In order to appeal the decision of the Planning Commission you must be present at the public hearing and file a speaker slip concerning the application or have expressed interest by writing to the Planning Commission before the close of the public hearing. See Information Bulletin 505 "Appeal Procedure", available at www.sandiego.gov/development-services or in person at the office of the City Clerk,

ATTACHMENT 15

202 "C" Street, Second Floor. The appeal must be made within 10 working days of the Planning Commission decision. If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing.

This project was determined to be categorically exempt from the California Environmental Quality Act on October 17, 2006 and the opportunity to appeal that determination ended November 1, 2006.

If you have any questions after reviewing this information, you can contact the City Project Manager listed above.

This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call the Disability Services Program Coordinator at 236-5979 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are available for the meeting upon request.

Job Order No. 42-6938

Revised 12/14/07/rh

- (B) Limitations on the number of on-premises fund-raising or social activities to a specific number of occurrences each year.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§141.0405 Communication Antennas

- (a) Section 141.0405 regulates the following communication antennas. Amateur (HAM) radio facilities or temporary telecommunication facilities necessitated by natural or man-made disasters are not regulated as communication antennas. Section 141.0405 does not apply to single dish antennas smaller than 24 inches in diameter or to remote panel antennas less than 24 inches in length and in width, except when associated with another telecommunication facility.
- (1) Minor telecommunication facilities: Antenna facilities used in wireless telephone services, paging systems, or similar services that comply with all development regulations of the underlying zone and overlay(s) and that meet the criteria in Section 141.0405(e)(1) or (2).
 - (2) Major telecommunication facilities: Antenna facilities that do not meet the criteria for minor telecommunication facilities in Section 141.0405(e)(1) or (2).
 - (3) Satellite antennas: Antennas capable of transmitting or receiving signals to or from a transmitter or a transmitter relay located in a planetary orbit. Satellite antennas include satellite earth stations, television-reception-only satellite antennas, and satellite microwave antennas.
- (b) General Rules for Telecommunication Facilities
All telecommunication facilities must comply with the following requirements:
- (1) All approved telecommunication facilities must comply with the Federal standards for RF radiation in accordance with the Telecommunication Act of 1996 or any subsequent amendment to the Act pertaining to RF radiation. Documentation shall be submitted to the City providing evidence that the cumulative field measurements of radiofrequency power densities for all antennas installed on the premises are below the Federal standards.

- (2) Except in the event of an emergency, routine maintenance and inspection of telecommunication facilities located on residentially zoned *premises*, including all of the system components, shall occur during normal business hours between 8:00 a.m. and 5:00 p.m. Monday through Friday.
- (3) Antenna facilities or associated equipment proposed for installation in the *public right-of-way* are subject to the following regulations:
 - (A) Antennas or associated equipment located in *public right-of-way* which is adjacent to a residentially zoned *premises* may be permitted with a Neighborhood Use Permit.
 - (B) Antennas and associated equipment located in the *public right-of-way* adjacent to non-residentially zoned *premises* are subject to review and approval by the City Manager.
 - (C) All equipment associated with antenna facilities shall be undergrounded, except for small services connection boxes or as permitted in Section 141.0405(b)(4).
 - (D) A construction plan must be submitted to and is subject to review and approval by the City Engineer in accordance with Chapter 6, Article 2.
- (4) Antennas and associated equipment located in the *public right-of-way* may be placed above ground only if the equipment is integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color, and style), unique design solutions, enhanced landscape architecture, or complementary siting solutions to minimize visual or pedestrian impacts. These facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three.
- (c) Temporary facilities that provide services to public events and are limited to a one-time maximum duration of 90 calendar days are subject to the temporary use permit procedures in Chapter 12, Article 3, Division 4.
- (d) All telecommunication facilities that are required to obtain encroachment authorization to locate on city-owned dedicated or designated parkland or open space areas shall comply with the following:

Ch.	Art.	Div.
14	1	4
		5

- (1) The City Manager shall determine that the proposed facility would not be detrimental to the City's property interest; would not preclude other appropriate uses; would not change or interfere with the use or purpose of the parkland or open space; and would not violate any deed restrictions related to City property, map requirements or other land use regulations.
- (2) The proposed facility shall be integrated with existing park facilities or open space; shall not disturb the environmental integrity of the parkland or open space; and shall be disguised such that it does not detract from the recreational or natural character of the parkland or open space.
- (3) The proposed facility shall be consistent with The City of San Diego Progress Guide and General Plan.

(e) Minor Telecommunication Facilities

Minor telecommunication facilities are permitted as a limited use or may be permitted with a Neighborhood Use Permit in the zones indicated with an "L" or an "N", respectively, in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) An antenna facility will be considered a minor telecommunication facility if the facility, including equipment and *structures*, is concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color, and style), unique design solutions, or *accessory use structures*.
- (2) In an effort to encourage collocation and to recognize that some telecommunication facilities are minimally visible, the following shall be considered minor telecommunication facilities:
 - (A) Additions or modifications to telecommunication facilities that do not increase the area occupied by the antennas or the existing antenna enclosure by more than 100 percent of the originally approved facility and do not increase the area occupied by an outdoor equipment unit more than 150 feet beyond the originally approved facility, if the additions and modifications are designed to minimize visibility.

- (B) Panel-shaped antennas that are flush-mounted to an existing *building facade* on at least one edge, extend a maximum of 18 inches from the *building facade* at any edge, do not exceed the height of the building, and are designed to blend with the color and texture of the existing building.
 - (C) Whip antennas if the number of antennas that are visible from the *public right-of-way* does not exceed six, if the antennas measure 4 inches or less in diameter, and if they have a mounting apparatus that is concealed from public view.
- (3) Minor telecommunication facilities are not permitted in the following locations:
 - (A) On *premises* that are developed with residential uses in residential zones;
 - (B) On vacant *premises* zoned for residential development;
 - (C) On *premises* that have been designated as *historical resources*;
 - (D) On *premises* that have been designated or mapped as containing sensitive resources;
 - (E) On *premises* within the *MHPA*; or
 - (F) On *premises* that are leased for billboard use.
- (4) The installation of a minor telecommunication facility shall not result in the elimination of required parking spaces.
- (5) Minor telecommunication facilities that terminate operation shall be removed by the operator within 90 calendar days of termination.
- (f) Major Telecommunication Facilities

Major telecommunication facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three, except that major telecommunication facilities on dedicated or designated parkland and open space may be permitted with a Conditional Use Permit decided in accordance with Process Five, in the zones indicated with a "C" in the Use Regulations

Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) Major telecommunication facilities are not permitted in the following locations:
 - (A) On *premises* containing designated *historical resources*;
 - (B) Within viewsheds of designated and recommended State Scenic Highways and City Scenic Routes; or
 - (C) Within ½ mile of another major telecommunication facility, unless the proposed facility will be concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color, and style), unique design solutions, and *accessory use structures*.
 - (D) Within the Coastal Overlay Zone, on *premises* within the MHPA and/or containing *steep hillsides* with *sensitive biological resources*, or within public view corridors or view sheds identified in applicable *land use plans*.
- (2) Major telecommunication facilities shall be designed to be minimally visible through the use of architecture, landscape architecture, and siting solutions.
- (3) Major telecommunication facilities shall use the smallest and least visually intrusive antennas and components that meet the requirements of the facility.

(g) Satellite Antennas

Satellite antennas are permitted as a limited use subject to Section 141.0405(g)(2), and may be permitted with a Neighborhood Use Permit subject to Section 141.0405(g)(3), or with a Conditional Use Permit decided in accordance with Process Three subject to Section 141.0405(g)(4).

- (1) Exemption. Satellite antennas that are 5 feet in diameter or smaller are permitted in all zones and are exempt from this section.

- (2) Limited Use Regulations. Satellite antennas that exceed 5 feet in diameter are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.
- (A) Satellite antennas are not permitted within the *MHPA*.
 - (B) Satellite antennas are not permitted on *premises* that have been designated as *historical resources*.
 - (C) Satellite antennas shall not exceed 10 feet in diameter.
 - (D) Ground-mounted satellite antennas shall not exceed 15 feet in *structure height*.
 - (E) Ground-mounted satellite antennas shall not be located in the *street yard*, *front yard*, or *street side yard* of a *premises*.
 - (F) Satellite antennas shall not be light-reflective.
 - (G) Satellite antennas shall not have any *sign copy* on them nor shall they be illuminated.
 - (H) Ground-, roof-, and pole-mounted satellite antennas shall be *screened* by fencing, buildings, or parapets that appear to be an integral part of the building, or by landscaping so that not more than 25 percent of the antenna height is visible from the *grade* level of adjacent *premises* and adjacent *public rights-of-way*.
- (3) Neighborhood Use Permit Regulations. Proposed satellite antennas that do not comply with Section 141.0405(b)(2) may be permitted with a Neighborhood Use Permit subject to the following regulations.
- (A) Satellite antennas are not permitted within the *MHPA*.
 - (B) Satellite antennas are not permitted on *premises* that have been designated as *historical resources*.
 - (C) Satellite antennas shall not exceed 10 feet in diameter.
 - (D) Satellite antennas shall not be light-reflective.

- (E) Satellite antennas shall not have any *sign copy* on them nor shall they be illuminated.
- (F) The visual impacts of the antenna to adjacent *premises* and adjacent *public rights-of-way* shall be minimized by the positioning of the antenna on the site and the use of landscape or other *screening*.
- (4) Conditional Use Permit Regulations. Except for proposed satellite antennas which are *accessory uses* in industrial zones, proposed satellite antennas that exceed 10 feet in diameter may be permitted only with a Conditional Use Permit decided in accordance with Process Three subject to the following regulations.
 - (A) Satellite antennas are not permitted within the *MHPA*.
 - (B) Satellite antennas are not permitted on *premises* or its appurtenances that have been designated as *historical resources*.
 - (C) The visual impacts of the antenna to adjacent *premises* and adjacent *public rights-of-way* shall be minimized by the positioning of the antenna on the site and the use of landscaping or other *screening*.

(Amended 1-9-2001 by O-18910 N.S.; effective 8-8-2001.)

§141.0406 Correctional Placement Centers

Correctional placement centers may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Correctional placement centers are not permitted in any of the following locations:
 - (1) Within the beach impact area of the Parking Impact Overlay Zone;
 - (2) Within 1/4 mile of any type of residential care facility, *social service institution*, welfare institution, or similar type of facility, measured from *property line* to *property line* in accordance with Section 113.0225;



Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-0520

Aeronautical Study No.
2007-AWP-5644-OE

Issued Date: 11/15/2007

Kathy Padgett
Verizon Wireless (VAW) LLC
1120 Sanctuary Parkway #150 GASA5REG
Alpharetta, GA 30004-8511

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Antenna Tower MURPHY CANYON
Location:	San Diego, CA
Latitude:	32-50-12.260N NAD 83
Longitude:	117-07-41.870W
Heights:	65 feet above ground level (AGL) 485 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

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ATTACHMENT 17

If we can be of further assistance, please contact our office at (310) 725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2007-AWP-5644-OE.

Signature Control No: 538577-100858349

(DNE)

Karen McDonald

Specialist

Attachment(s)

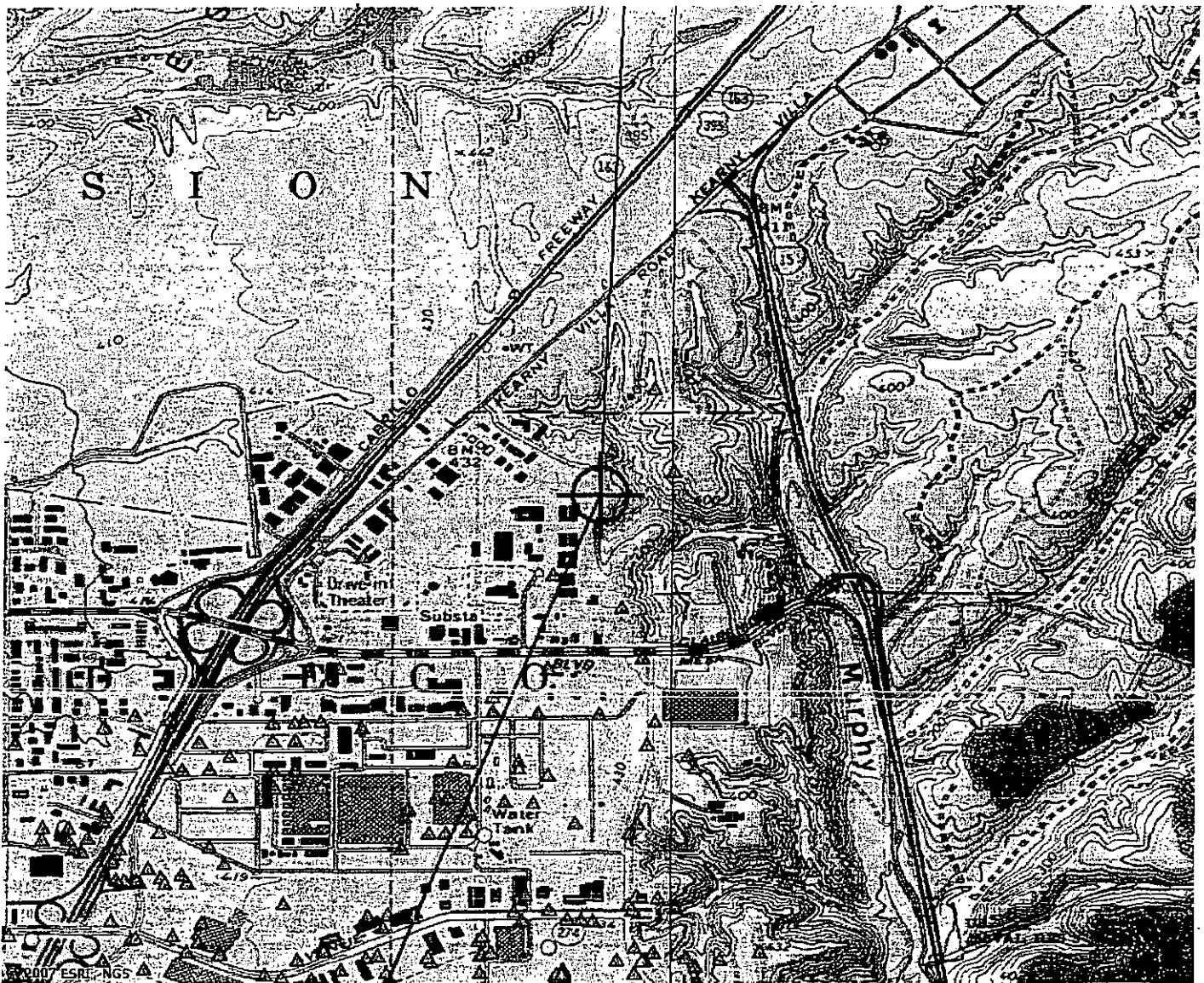
Frequency Data

Map(s)

Frequency Data for ASN 2007-AWP-5644-OE

000130

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W



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ATTACHMENT 18

DOC # 1996-0398510
07-AUG-1996 10:28 AM

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

1106

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY SMITH, COUNTY RECORDER
RF: 10.00 FEES: 22.00
AF: 11.00
MF: 1.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 96-0172
PLANNING COMMISSION

This Conditional Use Permit is granted by the Planning Commission of the City of San Diego to PLAZA AMERICA INC., Owner, AIRTOUCH CELLULAR, Permittee, pursuant to Section 101.0510 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee subject to the terms and conditions set forth in this permit, located at 9323 Chesapeake Drive, described as Lot 21 of Hazard Commercial Park, City and County of San Diego, Map No. 8503, in the M1-B Zone.
2. The facility shall consist of the following:
 - a. One monopole, a maximum of 55'-0" of supporting;
 - b. Thirty (30) plastic panel antennas, six omni-directional (whip) antennas (maximum height 10'-0"), and two digital dish antennas;
 - c. Accessory uses as may be determined incidental and approved by the Development Services Manager.
3. No permit for construction of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:
 - a. The Permittee signs and returns the permit to the Development Services Department;
 - b. The Conditional Use Permit is recorded in the office of the County Recorder.
4. Before issuance of any building permits, complete grading and building plans shall be submitted to the Development Services Manager for approval. Plans shall be in substantial conformance to Exhibit "A," dated May 30, 1996, on file in the office of the Development Services Department. No change, modifications or

alterations shall be made unless appropriate applications, findings of substantial conformance or amendment of this permit shall have been granted.

5. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.

6. This Conditional Use Permit must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0510.k of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time of extension is applied for.

7. ~~This Conditional Use Permit shall expire ten years after the date of City approval.~~ At that time, the facility shall be removed from the site to the satisfaction of the Development Services Manager, or an application in accordance with a Process Four decisionmaking process shall be submitted and approved prior to continuing operations of the facility.

8. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies, including current and future regulations of the Federal Communications Commission and the California Public Utilities Commission.

9. This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

9. This Conditional Use Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.

10. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

11. Airtouch Cellular will cooperate in a good faith effort to allow other communications providers to locate at this site providing that the additional facility does not give rise to a substantial technical level or quality-of-service impairment of the existing communication facility.

12. The permittee shall provide proof of evidence to the Development Services Department within 30 days after construction of the monopole that all previously existing rooftop facility

equipment has been removed. Upon removal of the rooftop facility, all subsequent Airtouch Cellular communication equipment shall be located solely on the monopole.

The issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

Passed and adopted by the Planning Commission on May 30, 1996.

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PLANNING COMMISSION RESOLUTION NO.
GRANTING CONDITIONAL USE PERMIT NO. 96-0172
AIRTOUCH CELLULAR - MURPHY CANYON

WHEREAS, on May 30, 1996, PLAZA AMERICA INC., Owner, AIRTOUCH CELLULAR, Permittee, filed an application for a Conditional Use Permit to construct and operate an unmanned wireless communication facility (55' -0" monopole supporting 30 panel antennas, six whip antennas and two dish antennas) located 9329 Chesapeake Drive described as Lot 21 of Hazard Commercial Park, City and County of San Diego, Map No. 8503, in the M1-B Zone; and

WHEREAS, on May 30, 1996, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 96-0172, pursuant to Section 101.0510 of the Municipal Code of the City of San Diego; and NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

1. That the Planning Commission adopted the following written Findings, dated May 30, 1996:

- A. THE PROPOSED USE WILL FULFILL AN INDIVIDUAL AND/OR COMMUNITY NEED AND WILL NOT ADVERSELY AFFECT THE GENERAL PLAN OR THE COMMUNITY PLAN.

The proposed use will upgrade communication services for Airtouch Cellular customers in the Kearny Mesa area. Additionally, Airtouch Cellular actively supports the Neighborhood Watch Program within San Diego by donating free cellular phones and reduced rate air time. The project site is designated for industrial use in the Kearny Mesa Community Plan, and while this use is not specifically addressed, it is not considered to have an adverse affect on the General Plan or the Kearny Mesa Community Plan.

- B. THE PROPOSED USE, BECAUSE OF CONDITIONS THAT HAVE BEEN APPLIED TO IT, WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY AND GENERAL WELFARE OF PERSONS RESIDING OR WORKING IN THE AREA AND WILL NOT ADVERSELY AFFECT OTHER PROPERTY IN THE VICINITY.

Radio frequency energy transmission from the proposed panel mounted antennas would not result in significant health and safety risks to the surrounding area. The transmissions would have a maximum of 5.9 microwatts per square centimeter, well below the accepted safety standard of 580 microwatts per square

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centimeter established by the American National Standards Institute and the National Council on Radiation Protection.

C. THE PROPOSED USE WILL COMPLY WITH THE RELEVANT REGULATIONS IN THE MUNICIPAL CODE.

The proposed facility complies with all relevant regulations in the Municipal Code, except for the side yard setback of the M1-B zone. However, the use and location of the pole are allowed with a Conditional Use Permit pursuant to Municipal Code Section 101.0510(E4) which provides the decisionmaker the discretion to reduce the minimum setback.

2. That said Findings are supported by maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the Planning Commission, Conditional Use Permit 96-0172 is hereby GRANTED to PLAZA AMERICA INC., Owner, AIRTOUCH CELLULAR, Permittee, in the form and with the terms and conditions set forth in Conditional Use Permit No. 96-0172, a copy of which is attached hereto and made a part hereof.

Karen Lynch-Ashcraft
Karen Lynch-Ashcraft
Senior Planner

Adopted on: May 30, 1996

ALL-PURPOSE CERTIFICATE

Type/Number of Document CUP 96-0172Date of Approval May 30, 1996

1111

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

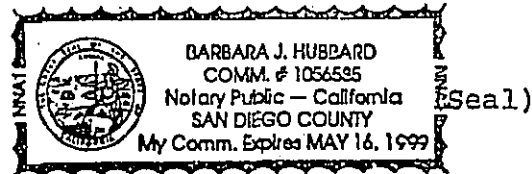
Karen Lynch-Ashcraft
 Karen Lynch-Ashcraft, Senior Planner

On July 18, 1996 before me, BARBARA J. HUBBARD (Notary Public), personally appeared KAREN LYNCH-ASHCRAFT, Senior Planner of the Development Services Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Barbara J. Hubbard



PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF PERMITTEE(S) THEREUNDER.

Signed

Typed Name

SCOTT M. SUTHERLAND

Signed

Typed Name

STATE OF CaliforniaCOUNTY OF San Diego


On August 6, 1996 before me, Kevin Lawrence (Name of Notary Public), personally appeared Scott M. Sutherland, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature



(Seal)

 <p>City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92103 (619) 446-5210</p>	<p>RECEIVED CITY CLERK'S OFFICE JUL 24 11 09 AM '08 SAN DIEGO, CALIF.</p>	<p>Development Permit/ Environmental Determination Appeal Application</p>	<p>FORM DS-3031 MARCH 2007</p>
	<p>THE CITY OF SAN DIEGO</p>		

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- ☐ Process Two Decision - Appeal to Planning Commission
☐ Process Three Decision - Appeal to Planning Commission
☒ Process Four Decision - Appeal to City Council
- ☐ Environmental Determination - Appeal to City Council
☐ Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one ☒ Applicant ☐ Officially recognized Planning Committee ☐ "Interested Person" (Per M.C. Sec. 113.0103)

Name
John Bitterley for Verizon Wireless

Address City State Zip Code Telephone
TPC, 627 North Main Street, Orange CA 92868 (714) 769-2510

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

Verizon Wireless

4. Project Information

Permit/Environmental Determination & Permit/Document No.: CUP #379109/PDP #542264 (PTS #112854)	Date of Decision/Determination: 7/10/08	City Project Manager: Alex Hempton
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Decision (describe the permit/approval decision):

Approval granting a 10-year entitlement to operate an existing wireless telecommunication facility in its existing location and

configuration. The appeal involves a condition placed on the approval that requires the existing facility's monopole antenna support

to be retrofitted as a faux palm tree ("monopalm").

5. Grounds for Appeal (Please check all that apply)

- ☒ Factual Error (Process Three and Four decisions only)
☐ Conflict with other matters (Process Three and Four decisions only)
☒ Findings Not Supported (Process Three and Four decisions only)
- ☐ New Information (Process Three and Four decisions only)
☐ City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

SEE ATTACHMENT "A" FOR DESCRIPTION OF GROUNDS FOR APPEAL

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: John Bitterley on behalf of Verizon Wireless Date: 7/24/08

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: October 6, 2008 REPORT NO.: PC-08-067
ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: Development Services Department
SUBJECT: Verizon – Murphy Canyon. 112854.
COUNCIL DISTRICT(S): 6
STAFF CONTACT: Alex Hempton, (619) 446-5349, ahempton@sandiego.gov

REQUESTED ACTION:

Appeal of the decision of the Planning Commission approving an existing 65' tall monopole supporting wireless communication antennas at 9323 Chesapeake Drive within the Kearny Mesa Community Planning area.

STAFF RECOMMENDATION:

DENY the appeal and **DENY** Conditional Use Permit No. 379109 and Planned Development Permit No. 542264.

EXECUTIVE SUMMARY:

Verizon Wireless was issued a Conditional Use Permit in 1996 to construct and operate a monopole with communication antennas. The approval was issued for a period of 10 years. After the 10 years, Verizon was required to apply for a new permit, subject to the current regulations in effect. Verizon is proposing no changes to the existing 65' tall monopole antenna structure, however the facility no longer complies with the Communication Antenna Regulations of the Land Development Code, section 141.0405.

This project requires the processing of both a Conditional Use Permit (CUP), because this is a "Major Telecommunications Facility," and a Planned Development Permit (PDP), because a portion of the structure encroaches into the side setback. Staff cannot make the findings for either the CUP or the PDP and is recommending denial of this project.

Verizon has numerous monopole communication antenna facilities throughout the City. While these facilities are important linkages as part of Verizon's existing network, time limits were imposed on the CUP's associated with these facilities, because of improvements to the technology. Today new technology exists to better integrate these facilities into the community by utilizing architecture, landscape material, and other applications. Approval of the monopole as-is would set a precedent for Verizon and other telecommunication providers that these outdated facilities are acceptable to San Diego.

If Verizon submitted a project that complied with today's regulations (LDC 142.0420) and was not in the setback, the facility could be approved as a Process 1, Limited Use, staff-level decision.

The Planning Commission first heard this project June 5, 2008. The Commission continued the item for one month in order to give Verizon an opportunity to comply with the regulations. At the July 10, 2008 hearing, Verizon proposed no changes to the design. As a last attempt to bring the project into compliance, Planning Commission approved the project by adding conditions that the monopole and antennas be retrofitted to resemble a "monopalm" (faux palm tree). Staff would support a monopalm, however strongly recommends that a pole specifically designed as a

monopalm be installed, as opposed to retrofitting the existing pole. Existing *retrofitted* monopoles actually have *more* of a visual impact than an originally manufactured monopole.

Verizon decided not to accept the Planning Commission's conditional approval and has appealed that decision to the City Council.

FISCAL CONSIDERATIONS:

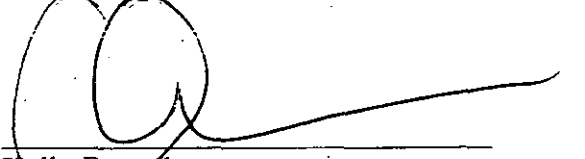
Verizon Wireless is the financially responsible party for this project and is paying for costs associated with processing this application. If the project is denied, the City's Neighborhood Code Compliance Division of the Development Services Department would take code enforcement action because the original CUP has expired. The code enforcement action would be funded by the general fund.


PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The Planning Commission first heard this item June 5, 2008. The project was continued to July 10, 2008 and conditionally approved.

KEY STAKEHOLDERS:

Verizon Wireless



Kelly Broughton
Director, Development Services Department

William Anderson
Deputy Chief Operating Officer:
Executive Director of City Planning
and Development

Attachments:

1. Report to Planning Commission

PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
JULY 10, 2008
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING

Item no: 11

CHRONOLOGY OF THE MEETING:

Chairperson Schultz called the meeting to order at 9:08 a.m. Chairperson Schultz adjourned the meeting at 3:00 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz - present
Vice-Chairperson Eric Naslund - present
Commissioner Robert Griswold - not present
Commissioner Gil Ontai - present
Commissioner Dennis Otsuji - present
Commissioner Mike Smiley - not present
Commissioner Golba - present

Staff

Andrea Dixon, City Attorney - present
Mary Wright, Planning Department - present
Mike Westlake, Development Services Department - present
Elisa Contreras, Recorder - present

ITEM-10: *Continued from June 5, 2008:*
Anticipate to be continued to Sept, 11, 2008

TORREY BROOKE II – PROJECT NO. 2118

City Council District: 1; Plan Area: Torrey Highlands Sub Area IV.

Staff: Derrick Johnson

No speaker slips submitted in favor or opposed to the project.

COMMISSION ACTION:

MOTION BY COMMISSIONER ONTAI TO CONTINUE THE ITEM TO SEPTEMBER 11, 2008. Second by Commissioner Otsuji. Passed by a vote of 5-0-2 with Commissioner Griswold and Smiley not present. Report No. PC-08-060

✓ ITEM-11: *Continued from June 5, 2008:*

VERIZON – MURPHY CANYON-PROJECT NO. 112854

City Council District: 6; Plan Area: Kearny Mesa

Staff: Alex Hempton

Speaker slip submitted in favor of the project by John Bitterly

No speaker slips submitted oppose to the project.

COMMISSION ACTION:

MOTION BY COMMISSIONER NASLUND TO APPROVE THE CONDITIONAL USE PERMIT NO. 379109; AND APPROVE PLANNED DEVELOPMENT PERMIT NO. 542264 AS PRESENTED IN REPORT NO. PC-08-067. Second by Commissioner Ontai. Passed by a vote of 4-1-2 Commissioner Schultz voting nay, Commissioner Griswold and Smiley not present. Resolution No. 4422-PC

ADDITION TO THE MOTION:

MOTION BY COMMISSIONER NALSUND TO RETROFIT EXISTING MONOPOLE TO MAKE IT LOOK LIKE A MONOPALM. MOTION BY COMMISSIONER ONTAI TO WORK WITH THE STAFF ON THE OUTCOME OF THE FINAL PRODUCT.

PLANNING COMMISSION
RESOLUTION NO. 4422
CONDITIONAL USE PERMIT – 379109
PLANNED DEVELOPMENT PERMIT – 542264
VERIZON – MURPHY CANYON

WHEREAS, RREEF AMERICA REIT II CORP. JJ, Owner, and VERIZON WIRELESS, Permittee, filed an application with the City of San Diego for a permit to operate and maintain a Wireless Communication Facility consisting of a 55-foot tall antenna structure, with six antennas reaching a maximum height of 65 feet tall. The facility would contain a maximum of six (6) omni-directional cellular antennas, thirty (30) directional cellular antennas, and two (2) 4-foot wide digital dish antennas. The facility also includes associated equipment, located inside the existing office building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 379109 and 542264);

WHEREAS, the project site is located at 9323 Chesapeake Drive in the IL-2-1 zone of the Kearny Mesa Community Plan;

WHEREAS, the project site is legally described as Lot 21, Map 8503;

WHEREAS, on July 10, 2008, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 379109 and Planned Development Permit No. 542264 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated July 10, 2008.

FINDINGS:

Conditional Use Permit - Section 126.0305

- 1. The proposed development will not adversely affect the applicable land use plan;**

Section A.15 of the Urban Design section of the City of San Diego's General Plan addresses Wireless Facilities. The intent is to minimize the visual impact of wireless facilities. The General Plan states that wireless facilities should be concealed in existing structures when possible, or otherwise use camouflage and screening techniques to hide or blend the facilities into the surrounding area. By utilizing monopalm stealth techniques, the facility will blend into the surrounds and will not adversely affect the land use plan.

- 2. The proposed development will not be detrimental to the public health, safety, and welfare;**

The Telecommunication Act of 1996 preempts local governments from regulating the "placement, construction and modification of wireless communication facilities on the basis of the

environmental effects of Radio Frequency (RF) emissions to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." The proposed project would be consistent with the FCC's regulations for wireless facilities. To insure that the FCC standards are being met, a condition has been added to the permit to require that Verizon Wireless perform an on-air RF test and submit the findings in a report to the City of San Diego within 90 days of issuance of this permit. Therefore, based on the above, the project would not result in any significant health or safety risks to the surrounding area.

3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code; and

Major telecommunication facilities are required to be designed to be minimally visible through the use of architecture, landscape architecture, and siting solutions. By using a stealth design, disguising this facility as a monopalm, and locating the structure away from the public right-of-way, the project complies with the regulations of the Land Development Code. The project does not comply with the setback regulations and encroaches 3.5 feet into the setback.

4. The proposed use is appropriate at the proposed location.

The City of San Diego encourages wireless carriers to locate on non-residential properties. In this case, the carrier was able to locate in such a location, which is preferable to locating in a residential zone with a residential use. The proposed use is appropriate at the proposed location.

Planned Development Permit - Section 126.0604

A. Findings for all Planned Development Permits

1. The proposed development will not adversely affect the applicable land use plan;

Section A.15 of the Urban Design section of the City of San Diego's General Plan addresses Wireless Facilities. The intent is to minimize the visual impact of wireless facilities. The General Plan states that wireless facilities should be concealed in existing structures when possible, or otherwise use camouflage and screening techniques to hide or blend the facilities into the surrounding area. By utilizing monopalm stealth techniques, the facility will blend into the surrounds and will not adversely affect the land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare;

The Telecommunication Act of 1996 preempts local governments from regulating the "placement, construction and modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emissions to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." The proposed project would be consistent with the FCC's regulations for wireless facilities. To insure that the FCC standards are being met, a condition has been added to the permit to require that Verizon Wireless perform an on-air RF test and submit the findings in a report to the City of San Diego within 90 days of issuance of this permit. Therefore, based on the above, the project would not result in any significant health or safety risks to the surrounding area.

3. The proposed development will comply with the regulations of the Land Development Code;

The project, proposed as a monopalm, or faux palm tree, is considered a "stealth" design that will comply with the regulations of the Land Development Code. The project does not comply with the setback regulations as it encroaches 3.5 feet into the side setback.


4. The proposed development, when considered as a whole, will be beneficial to the community; and

The wireless communications service made possible by this facility will be beneficial to the community. The proposed design, as a faux palm tree, will be consistent with the Land Development Code and the City's General Plan.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

This project proposes to encroach into the side-yard setback. The antennas mounted on the antenna support structure encroach approximately 3.5 feet into the side-yard setback. By disguising the communication antennas and support structure as a faux palm tree, the structure will appear like landscape material, typically found in the property setback, and is acceptable for this space.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 379109 and Planned Development Permit No. 542264 are hereby APPROVED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 379109 and 542264, a copy of which is attached hereto and made a part hereof.

 for Planning Commission

Alex Hempton, AICP
Associate Planner
Development Services

Adopted on: July 10, 2008

Job Order No. 42-6938

000149

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-6938

CONDITIONAL USE PERMIT NO. 379109
PLANNED DEVELOPMENT PERMIT NO. 542264
VERIZON - MURPHY CANYON
PROJECT NO. 112854
PLANNING COMMISSION

This Conditional Use Permit No. 379109 and Planned Development Permit No. 542264, is granted by the Planning Commission of the City of San Diego to RREEEF AMERICA REIT II CORP. JJ, Owner, and VERIZON WIRELESS, Permittee, pursuant to San Diego Municipal Code [SDMC] section Chapter 12, Article 6, Division 2 and section 141.0405. The site is located at 9323 Chesapeake Drive in the IL-2-1 zone of the Kearny Mesa Community Plan area. The project site is legally described as Lot 21, Map 8503.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee for a Communication Antenna Facility, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated July 10, 2008, on file in the Development Services Department.

The project or facility shall include:

- a. A Communication Antenna Facility consisting of a 55-foot tall antenna support structure with antennas reaching a maximum height of 65-feet tall. The facility may contain a maximum of thirty (30) directional cellular antennas, six (6) omni-directional antennas, and two (2) digital dish antennas. The antennas mounted on the support arm encroach approximately 3.5 feet into the side-yard setback. This deviation is permitted with the approval of this Planned Development Permit. Associated equipment is located within the adjacent office building;
- b. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan,

California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," on file in the Development Services Department. No changes, modifications or

alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

10. In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. This Conditional Use Permit (CUP) and Planned Development Permit (PDP) and corresponding use of this site shall **expire on July 10, 2018**. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit, unless the applicant of record files a new application for a facility which will be subject to compliance with all regulations in effect at the time.

12. No later than ninety (90) days prior to the expiration date of this CUP and PDP, the Owner/Permittee may submit a new permit application to the City for consideration with review and a decision by the appropriate decision maker at that time.

13. Under no circumstances, does approval of this permit authorize Verizon Wireless or subsequent permittee or owner to utilize the communication antenna structure or site for wireless communication purposes beyond the permit expiration date. Implicit use of this permit beyond the effective date of this permit is prohibited.

14. All equipment, including transformers, emergency generators and air conditioners shall be designed and operated consistent with the City noise ordinance. Ventilation openings shall be baffled and directed away from residential areas. Vibration resonance of operation equipment in the equipment enclosure shall be eliminated.

ENGINEERING REQUIREMENTS:

15. Prior to the issuance of any construction permits, the applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

16. Prior to the issuance of any construction permits, the applicant shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

17. Any party on whom fees, dedications, reservations or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within 90 days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code 66020.

PLANNING/DESIGN REQUIREMENTS:

18. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

19. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

20. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.

21. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

23. No mechanical equipment, tank, duct, elevator, cooling tower, mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed, architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.

24. Prior to obtaining a Construction Permit the following items must be illustrated on the construction drawings; coax cable tray, meters, telco, A/C units, generator receptacles, cable runs, bridges, dog houses and external ports. These appurtenances must be minimized visually so as to avoid the effect of changing the outward appearance of the project from what was approved on the exhibits.

25. The applicant of record is responsible for notifying the city prior to the sale or takeover of this site to any other provider.

26. All private outdoor lighting installed by the permittee shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

27. All antenna cabling shall be routed underground and internally within the antenna support structure. No cables shall be visible.

28. All antennas and the antenna support structure itself shall be painted the same color. The antennas and antenna support structure shall be kept in a well-maintained condition with no graffiti, peeling paint, or other signs of disrepair.

PERFORMANCE MEASURES:

29. Within 90 days of approval of this permit, Verizon shall submit construction plans illustrating the retrofitting of the existing monopole into a stealth "monopalm" faux palm tree. Sufficient fronds shall be utilized to aid in screening the antennas. The proposed bark material shall resemble the palm bark in color, texture and design. Development Services shall approve the final design prior to construction.

30. Within 90 days of issuance of this permit, the telecommunication provider shall provide an on-air Radio Frequency (RF) report providing evidence that the cumulative field measurements of radio frequency power densities for all antennas installed on the premises will be below the federal standards.

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

This development may be subject to impact fees at the time of building/engineering permit issuance

APPROVED by the Planning Commission of the City of San Diego on June 10, 2008 and Resolution No. PC-4422.

000154

Permit Type/PTS Approval No.: CUP/379109
PDP/542264
Date of Approval: 7/10/2008

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

Alexander Hempton, AICP
Associate Planner

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1180 et seq.**

**The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.**

RREEEF AMERICA REIT II CORP. JJ
Owner

By _____

VERIZON WIRELESS
Permittee

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

THE
PLANNING
CONSORTIUM
INCORPORATED
LAND PLANNING • ENVIRONMENTAL STUDIES
PROJECT MANAGEMENT • ENTITLEMENTS

June 30, 2008

Mr. Alex Hempton
Case Planner
City of San Diego
Development Services Department
1222 First Avenue
San Diego, California 92101-4154

RE: Verizon Wireless "Murphy Canyon", Project No. 112854

Dear Mr. Hempton:

As requested by the Planning Commission, I have discussed potential stealth design options with the Verizon Wireless management team for their existing Murphy Canyon monopole antenna support facility at 9323 Chesapeake Drive. As you recall, Verizon Wireless is proposing that the existing monopole antenna support facility remain in its current condition and be allowed to operate for additional 10 years under the requested land use approval. While Verizon Wireless is working with City Staff to modify the appearance of some of their other more-visible antenna facilities in the City of San Diego, Verizon Wireless originally proposed not to modify this existing antenna facility because it is not significantly visible to public views and, as such, does not create significant adverse visual impacts.

I discussed potential stealth designs with the Verizon Wireless management team and reviewed photos of the existing antenna facility and they determined again that because the facility is not significantly visible to public views and does not create significant adverse visual impacts, Verizon Wireless will continue to request that this existing antenna facility with over ten-years of issue-free operation be allowed to continue operating in its current condition for 10 additional years.

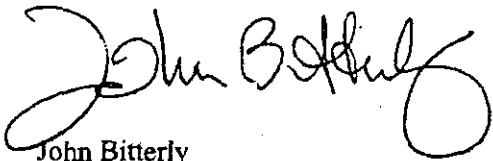
As stated in our submittal materials and presentations, and as illustrated in our photo view impact studies, this existing monopole antenna support facility is not significant visible to the public working in and driving through the Kearny Mesa industrial area. This is achieved through "siting" the facility behind two-story office buildings in the far rear interior corner of the subject property over 400 feet off of Ruffin Road, the major roadway in this area. While some employees working in the two adjacent on-site office buildings would continue to view the base of the monopole antennas support (as they have over the last ten years), as well as some workers at the adjacent County Maintenance Service Yard, the public only gets brief direct views of the existing facility as motorists on Hazard Way to the south and Chesapeake Drive to the north. Because the

existing two-story buildings and mature landscaping narrow the brief views, the facility is visible for less than a second in a passing car where an observer would have to turn their heads a full 90 degrees to actually see the facility. Only the very top of the antenna facility that peeks over the top of the on-site two-story office buildings can be viewed from other surrounding areas and there are no sensitive visual receptors in this industrial area. Given the limited views of this existing antenna facility and its compatibility with the land use characteristics of the Kearny Mesa industrial area (including a number of other broadcast towers, communication towers and wireless communication towers), Verizon Wireless supports its original decision and is not proposing to modify this existing antenna facility into a stealth design, such as a faux tree. As such, Verizon Wireless is not modifying the land use application before the Planning Commission and our project will remain as originally proposed.

To further provide our reasoning behind this decision to propose to keep the antenna facility in its current condition and how it can comply with the City's wireless telecommunication regulations, we will be providing draft Alternative Findings for the CUP and PDP approvals for the Planning Commission's consideration.

Thank you for your assistance in processing this land use entitlement request. Should you have any questions or require additional materials, please e-mail me at planconsjb@aol.com or call me at (714) 769-2510.

Sincerely,



John Bitterly
The Planning Consortium
Project Representative for Verizon Wireless

**Draft Findings for Project No. 112854
(Verizon Wireless/"Murphy Canyon")**

Conditional Use Permit Findings-- Section 126.0305

1. The proposed development will not adversely affect the applicable land use plan.

The proposed project is the request for the extension of land use entitlements for the continued operation of an existing antenna facility in the IL-2-1 (Industrial) Zone consisting of a 55-foot high steel monopole antenna support in the interior corner of a rear parking lot and related equipment placed in the adjacent two-story office building. The existing use has been in operation without issue or incident for over ten years and the land use application seeks to extend the operation for an additional ten years. The project site itself is fully developed with two two-story office buildings, a front and rear parking lot with vehicular circulation and mature landscaping, along with the subject antenna facility.

The project site and the existing antenna facility are located in the Kearny Mesa area, a predominantly industrial land use area that is fully developed with a mix of industrial land uses, technology/research land uses, warehousing/transportation land uses, associated office land uses, broadcast antenna facilities and telecommunications antenna facilities. Also, there are a number of existing communication antennas towers throughout the Kearny Mesa industrial area for City, County, CHP, other emergency services and other communication services. These various antenna facilities are part of the character and fabric of this industrial area of the City of San Diego.

The existing monopole antenna support facility is not significantly visible to the public working in and driving through the Kearny Mesa industrial area. This is achieved through "siting" the facility behind the two-story office buildings in the far rear interior corner of the subject property over 400 feet off of Ruffin Road, the major roadway in this area of Kearny Mesa. While employees working in the two adjacent on-site office buildings would continue to view the base of the monopole antenna support as they have for over ten years, as well as workers at the adjacent County Maintenance Service Yard, the general public only have brief direct views of the existing facility as motorists on Hazard Way to the south and Chesapeake Drive to the north. Because the two-story buildings and mature landscaping narrow and frame the brief views, the existing facility is visible for less than a second in a passing vehicle, where an observer would have to turn their heads a full 90 degrees to glimpse the facility in passing.

Only the very top of the antenna facility that peaks over the top of the on-site two-story office buildings can be viewed from the surrounding area and there are no sensitive visual receptors in this area of the City. Given the limited views of this existing antenna facility through its siting and its compatibility with the land use

characteristics of the Kearny Mesa area (including a number of other broadcast towers, communication towers and wireless telecommunication towers, the land use application requests to extend the operation of this existing land use for two additional years.

As noted, the surrounding Kearny Mesa area is characterized by light industrial land uses, technology/research land uses, warehousing/transportation land uses, office land uses, broadcast antenna facilities, governmental antenna facilities and wireless telecommunication facilities. The project is in conformance with the intent of the land use regulations through its siting in the rear interior corner of the property behind two-story office buildings and the existing antenna facility is compatible with the surrounding land uses as evidenced by over ten years of operation without issue, complaint or conflict. The extension of the operation of the existing antenna facility for ten years under the proposed project is an appropriate land use that is compatible with the surrounding land uses in its current condition and location.

2. The proposed development will not be detrimental to the public health, safety and welfare.

The project has been in operation in its existing condition for over ten years without complaint, issue or conflict. *Based on its over ten years of performance, the proposed project* (the extension of the land use entitlements to operate the existing facility for another ten years) will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare.

The surrounding Kearny Mesa industrial area is characterized by light industrial land uses, technology/research land uses, warehousing/transportation land uses, office land uses, broadcast antenna facilities, governmental antenna facilities and wireless telecommunication facilities. The project is in conformance with the intent of the land use regulations through its siting in the rear interior corner of the property in the parking lot behind the two-story office buildings and the existing antenna facility is compatible with the surrounding land uses as evidenced by over ten years of operation without issue, complaint or conflict. The extension of the operation of the existing antenna facility for ten years under the proposed project is an appropriate land use that is compatible with the surrounding land uses in its current condition and location.

As stated, based on its over ten years of performance without issue, complaint or conflict, the proposed project (the extension of the land use entitlements to operate the existing facility for another ten years) will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare.

3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.

Although the proposed project does not include modifying the existing freestanding antenna facility to a stealth freestanding or building-mounted design as defined in the City's Wireless Telecommunication Code, the placement of the existing antenna facility at the rear interior corner of the property in the parking lot behind two-story office buildings significantly limits public views of the facility and potential view impacts through a "siting" solution, a design solution that is in compliance with the Wireless Telecommunication Facilities portion of the City Municipal Code (Section 141.0420(g)(2)), which reads:

"The applicant shall use all reasonable means to conceal or minimize the visual impacts of the wireless communication facilities through integration. Integration with existing structures or among other existing uses shall be accomplished through the use of architecture, landscape and siting solutions."

The existing monopole antenna support facility is not significantly visible to the public working in and driving through the Kearny Mesa industrial area. This is achieved through "siting" the facility behind two-story office buildings in the far rear interior corner of the subject property over 400 feet off of Ruffin Road, the major in this area of Kearny Mesa. While employees working in the two adjacent on-site office buildings would continue to view the base of the monopole antenna support as they have for over ten years, as well as workers at the adjacent County Maintenance Service Yard, the general public only gets brief direct views of the existing facility as motorists on Hazard Way to the south and Chesapeake Drive to the north. Because the two-story buildings and mature landscaping narrow and frame the brief views, the existing facility is visible for less than a second in a passing vehicle, where an observer would have to turn their heads a full 90 degrees to glimpse the facility.

Only the very top of the antenna facility that peaks over the top of the on-site two-story office buildings can be viewed from the surrounding area and there are no sensitive visual receptors in this area of the City. Given the limited views of this existing antenna facility through its siting and its compatibility with the land use characteristics of the Kearny Mesa area (including a number of other broadcast towers, communication towers and wireless telecommunication towers, the land use application requests to extend the operation of this existing land use for ten additional years.

The proposed wireless telecommunication project, which is the continued operation of the existing antenna facility for ten additional years under current conditions, is allowed with the approval of a Conditional Use Permit ("CUP") and Planned Development Permit ("PDP"). The existing/proposed project complies with the Land Development Code and the original land use approval, with the exception of the encroachment of the base of the existing monopole by approximately two feet into the 10-foot side yard setback in the IL-2-1 (Industrial) Zone in the Land Development

Code. This is the exact project design and location that was approved by the City of San Diego over ten years ago and it was constructed as approved. Relief is being requested from this side yard setback requirement based on existing conditions and uneventful operation for over ten years under the requested PDP, Process 4.

If this was a new proposed antenna facility, the effects of its installation and operation would not be certain. However, this antenna facility has been in operation in the existing condition for over ten years without conflicts or land use issues. Any existing, previously-approved encroachment into a side yard setback at the rear of an Industrially-zoned parcel, particularly by approximately two feet, obviously does not generate any conflicts or land use issues based on its over ten years of trouble-free operation.

Setbacks as a zoning tool are intended to reduce or avoid land use conflicts and issues between adjacent land uses. In this instance, the side yard setback in this industrial zone is 10-feet at the inside rear corner of this industrially-zone parcel. Over ten years of operation has shown that the facility has not resulted in land use conflicts or issues with this minor encroachment into the 10-foot side yard setback in this industrial zone and as such, relief is being requested under this PDP, Process 4 to allow the existing minor encroachment into the 10-foot side yard setback in this industrial zone.

Currently, the base of the monopole is in line and adjacent to the existing trash enclosure, keeping both features out of the way of parking lot through traffic by being placed against the western wall of the property. Currently, as the photos attached to this submittal package show, the monopole poses no traffic hazards to the through traffic of the rear parking lot. If the monopole were to be move a few feet just to satisfy the 10-foot side yard setback in the rear inside corner of a parcel in an industrial zone, it would present a parking and circulation hazard to the adjacent parking space and the through traffic in the parking lot.

The antennas currently mounted on the monopole are at their operationally functional height and cannot be lowered below the 55-foot level. If the monopole was changed to a "faux tree" such as a monopine or monopalme, it would have to be higher than 55-feet to accommodate the operational height of the antennas and the extra foliage to make the faux tree appear as a real tree. If the only part of the monopole that can be seen by the general public driving by is the very upper portions, this is the portion of the faux tree antenna facility that would be enlarged and changed over the existing conditions and would be the most visible. This change would represent a significant change to the existing viewshed and not for the better, particularly since the existing monopole facility does not generate significant visual impacts.

Moving the existing, long-standing monopole antenna support a few feet just to satisfy a 10-foot side yard setback requirement in the rear inside corner of an industrial parcel or to change it to a "faux tree" to disguise it is not justified or warranted when the facility does not create any land use conflicts or significant adverse visual impacts.

4. The proposed development, when considered as a whole, will be beneficial to the community, and;

Wireless telecommunication services play an important role in the commerce and safety of a community and the subject antenna facility/proposed project has provided important communication service to individuals, businesses and emergency services for over ten years in the Kearny Mesa area of the City of San Diego. Aside from business and personal usage, wireless telecommunications have been shown again and again that they are an important personal emergency communication lifeline that certainly is a part of the public utilities and services offered in a contemporary community. The subject antenna facility has been in operation for over ten years without any land use issues in this fully developed industrial area.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

Although the proposed project does not include modifying the existing freestanding antenna facility to a stealth freestanding or building-mounted design as defined in the City's Wireless Telecommunication Code, the placement of the existing antenna facility at the rear interior corner of the property in the parking lot behind two-story office buildings significantly limits public views of the facility and potential view impacts through a "siting" solution, a design solution that is in compliance with the Wireless Telecommunication Facilities portion of the City Municipal Code (Section 141.0420(g)(2)), which reads:

"The applicant shall use all reasonable means to conceal or minimize the visual impacts of the wireless communication facilities through integration. Integration with existing structures or among other existing uses shall be accomplished through the use of architecture, landscape and siting solutions."

The existing monopole antenna support facility is not significantly visible to the public working in and driving through the Kearny Mesa industrial area. This is achieved through "siting" the facility behind two-story office buildings in the far rear interior corner of the subject property over 400 feet off of Ruffin Road, the major in this area of Kearny Mesa. While employees working in the two adjacent on-site office buildings would continue to view the base of the monopole antenna support as they have for over ten years, as well as workers at the adjacent County Maintenance Service Yard, the general public only gets brief direct views of the existing facility as motorists on Hazard Way to the south and Chesapeake Drive to the north. Because the two-story buildings and mature landscaping narrow and frame the brief views, the existing facility is visible for less than a second in a passing vehicle, where an observer would have to turn their heads a full 90 degrees to glimpse the facility.

Only the very top of the antenna facility that peeks over the top of the on-site two-story office buildings can be viewed from the surrounding area and there are no sensitive visual receptors in this area of the City. Given the limited views of this existing antenna facility through its siting and its compatibility with the land use characteristics of the Kearny Mesa area (including a number of other broadcast towers, communication towers and wireless telecommunication towers, the land use application requests to extend the operation of this existing land use for ten additional years.

The proposed wireless telecommunication project, which is the continued operation of the existing antenna facility for ten additional years under current conditions, is allowed with the approval of a Conditional Use Permit ("CUP") and Planned Development Permit ("PDP"). The existing/proposed project complies with the Land Development Code and the original land use approval, with the exception of the encroachment of the base of the existing monopole by approximately two feet into the 10-foot side yard setback in the IL-2-1 (Industrial) Zone in the Land Development Code. This is the exact project design and location that was approved by the City of San Diego over ten years ago and it was constructed as approved. Relief is being requested from this side yard setback requirement based on existing conditions and uneventful operation for over ten years under the requested PDP, Process 4.

If this was a new proposed antenna facility, the effects of its installation and operation would not be certain. However, this antenna facility has been in operation in the existing condition for over ten years without conflicts or land use issues. Any existing, previously-approved encroachment into a side yard setback at the rear of an Industrially-zoned parcel, particularly by approximately two feet, obviously does not generate any conflicts or land use issues based on its over ten years of trouble-free operation.

Setbacks as a zoning tool are intended to reduce or avoid land use conflicts and issues between adjacent land uses. In this instance, the side yard setback in this industrial zone is 10-feet at the inside rear corner of this industrially-zone parcel. Over ten years of operation has shown that the facility has not resulted in land use conflicts or issues with this minor encroachment into the 10-foot side yard setback in this industrial zone and as such, relief is being requested under this PDP, Process 4 to allow the existing minor encroachment into the 10-foot side yard setback in this industrial zone.

Currently, the base of the monopole is in line and adjacent to the existing trash enclosure, keeping both features out of the way of parking lot through traffic by being placed against the western wall of the property. Currently, as the photos attached to this submittal package show, the monopole poses no traffic hazards to the through traffic of the rear parking lot. If the monopole were to be move a few feet just to satisfy the 10-foot side yard setback in the rear inside corner of a parcel in an industrial zone, it would present a parking and circulation hazard to the adjacent parking space and the through traffic in the parking lot.

6/30/08

The antennas currently mounted on the monopole are at their operationally functional height and cannot be lowered below the 55-foot level. If the monopole was changed to a "faux tree" such as a monopine or monopalm, it would have to be higher than 55-feet to accommodate the operational height of the antennas and the extra foliage to make the faux tree appear as a real tree. If the only part of the monopole that can be seen by the general public driving by is the very upper portions, this is the portion of the faux tree antenna facility that would be enlarged and changed over the existing conditions and would be the most visible. This change would represent a significant change to the existing viewshed and not for the better, particularly since the existing monopole facility does not generate significant visual impacts.

Moving the existing, long-standing monopole antenna support a few feet just to satisfy a 10-foot side yard setback requirement in the rear inside corner of an industrial parcel or to change it to a "faux tree" to disguise it is not justified or warranted when the facility does not create any land use conflicts or significant adverse visual impacts.

**Draft Findings for Project No. 112854
(Verizon Wireless/Murphy Canyon)**

Planned Development Permit Findings – Section 126.0604

1. The proposed development will not adversely affect the applicable land use plan.

The proposed project is the request for the extension of land use entitlements for the continued operation of an existing antenna facility in the IL-2-1 (Industrial) Zone consisting of a 55-foot high steel monopole antenna support in the interior corner of a rear parking lot and related equipment placed in the adjacent two-story office building. The existing use has been in operation without issue or incident for over ten years and the land use application seeks to extend the operation for an additional ten years. The project site itself is fully developed with two two-story office buildings, a front and rear parking lot with vehicular circulation and mature landscaping, along with the subject antenna facility.

The project site and the existing antenna facility are located in the Kearny Mesa area, a predominantly industrial land use area that is fully developed with a mix of industrial land uses, technology/research land uses, warehousing/transportation land uses, associated office land uses, broadcast antenna facilities and telecommunications antenna facilities. Also, there are a number of existing communication antennas towers throughout the Kearny Mesa industrial area for City, County, CHP, other emergency services and other communication services. These various antenna facilities are part of the character and fabric of this industrial area of the City of San Diego.

The existing monopole antenna support facility is not significantly visible to the public working in and driving through the Kearny Mesa industrial area. This is achieved through "siting" the facility behind the two-story office buildings in the far rear interior corner of the subject property over 400 feet off of Ruffin Road, the major roadway in this area of Kearny Mesa. While employees working in the two adjacent on-site office buildings would continue to view the base of the monopole antenna support as they have for over ten years, as well as workers at the adjacent County Maintenance Service Yard, the general public only have brief direct views of the existing facility as motorists on Hazard Way to the south and Chesapeake Drive to the north. Because the two-story buildings and mature landscaping narrow and frame the brief views, the existing facility is visible for less than a second in a passing vehicle, where an observer would have to turn their heads a full 90 degrees to glimpse the facility in passing.

Only the very top of the antenna facility that peeks over the top of the on-site two-story office buildings can be viewed from the surrounding area and there are no sensitive visual receptors in this area of the City. Given the limited views of this existing antenna facility through its siting and its compatibility with the land use

characteristics of the Kearny Mesa area (including a number of other broadcast towers, communication towers and wireless telecommunication towers, the land use application requests to extend the operation of this existing land use for two additional years.

As noted, the surrounding Kearny Mesa area is characterized by light industrial land uses, technology/research land uses, warehousing/transportation land uses, office land uses, broadcast antenna facilities, governmental antenna facilities and wireless telecommunication facilities. The project is in conformance with the intent of the land use regulations through its siting in the rear interior corner of the property behind two-story office buildings and the existing antenna facility is compatible with the surrounding land uses as evidenced by over ten years of operation without issue, complaint or conflict. The extension of the operation of the existing antenna facility for ten years under the proposed project is an appropriate land use that is compatible with the surrounding land uses in its current condition and location.

2. The proposed development will not be detrimental to the public health, safety and welfare.

The project has been in operation in its existing condition for over ten years without complaint, issue or conflict. Based on its over ten years of performance, the proposed project (the extension of the land use entitlements to operate the existing facility for another ten years) will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare.

The surrounding Kearny Mesa industrial area is characterized by light industrial land uses, technology/research land uses, warehousing/transportation land uses, office land uses, broadcast antenna facilities, governmental antenna facilities and wireless telecommunication facilities. The project is in conformance with the intent of the land use regulations through its siting in the rear interior corner of the property in the parking lot behind the two-story office buildings and the existing antenna facility is compatible with the surrounding land uses as evidenced by over ten years of operation without issue, complaint or conflict. The extension of the operation of the existing antenna facility for ten years under the proposed project is an appropriate land use that is compatible with the surrounding land uses in its current condition and location.

As stated, based on its over ten years of performance without issue, compliant or conflict, the proposed project (the extension of the land use entitlements to operate the existing facility for another ten years) will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare.

3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.

Although the proposed project does not include modifying the existing freestanding antenna facility to a stealth freestanding or building-mounted design as defined in the City's Wireless Telecommunication Code, the placement of the existing antenna facility at the rear interior corner of the property in the parking lot behind two-story office buildings significantly limits public views of the facility and potential view impacts through a "siting" solution, a design solution that is in compliance with the Wireless Telecommunication Facilities portion of the City Municipal Code (Section 141.0420(g)(2)), which reads:

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The existing monopole antenna support facility is not significantly visible to the public working in and driving through the Kearny Mesa industrial area. This is achieved through "siting" the facility behind two-story office buildings in the far rear interior corner of the subject property over 400 feet off of Ruffin Road, the major in this area of Kearny Mesa. While employees working in the two adjacent on-site office buildings would continue to view the base of the monopole antenna support as they have for over ten years, as well as workers at the adjacent County Maintenance Service Yard, the general public only gets brief direct views of the existing facility as motorists on Hazard Way to the south and Chesapeake Drive to the north. Because the two-story buildings and mature landscaping narrow and frame the brief views, the existing facility is visible for less than a second in a passing vehicle, where an observer would have to turn their heads a full 90 degrees to glimpse the facility.

Only the very top of the antenna facility that peaks over the top of the on-site two-story office buildings can be viewed from the surrounding area and there are no sensitive visual receptors in this area of the City. Given the limited views of this existing antenna facility through its siting and its compatibility with the land use characteristics of the Kearny Mesa area (including a number of other broadcast towers, communication towers and wireless telecommunication towers, the land use application requests to extend the operation of this existing land use for ten additional years.

The proposed wireless telecommunication project, which is the continued operation of the existing antenna facility for ten additional years under current conditions, is allowed with the approval of a Conditional Use Permit ("CUP") and Planned Development Permit ("PDP"). The existing/proposed project complies with the Land Development Code and the original land use approval, with the exception of the encroachment of the base of the existing monopole by approximately two feet into the 10-foot side yard setback in the IL-2-1 (Industrial) Zone in the Land Development

Code. This is the exact project design and location that was approved by the City of San Diego over ten years ago and it was constructed as approved. Relief is being requested from this side yard setback requirement based on existing conditions and uneventful operation for over ten years under the requested PDP, Process 4.

If this was a new proposed antenna facility, the effects of its installation and operation would not be certain. However, this antenna facility has been in operation in the existing condition for over ten years without conflicts or land use issues. Any existing, previously-approved encroachment into a side yard setback at the rear of an Industrially-zoned parcel, particularly by approximately two feet, obviously does not generate any conflicts or land use issues based on its over ten years of trouble-free operation.

Setbacks as a zoning tool are intended to reduce or avoid land use conflicts and issues between adjacent land uses. In this instance, the side yard setback in this industrial zone is 10-feet at the inside rear corner of this industrially-zone parcel. Over ten years of operation has shown that the facility has not resulted in land use conflicts or issues with this minor encroachment into the 10-foot side yard setback in this industrial zone and as such, relief is being requested under this PDP, Process 4 to allow the existing minor encroachment into the 10-foot side yard setback in this industrial zone.

Currently, the base of the monopole is in line and adjacent to the existing trash enclosure, keeping both features out of the way of parking lot through traffic by being placed against the western wall of the property. Currently, as the photos attached to this submittal package show, the monopole poses no traffic hazards to the through traffic of the rear parking lot. If the monopole were to be move a few feet just to satisfy the 10-foot side yard setback in the rear inside corner of a parcel in an industrial zone, it would present a parking and circulation hazard to the adjacent parking space and the through traffic in the parking lot.

The antennas currently mounted on the monopole are at their operationally functional height and cannot be lowered below the 55-foot level. If the monopole was changed to a "faux tree" such as a monopine or monopalm, it would have to be higher than 55-feet to accommodate the operational height of the antennas and the extra foliage to make the faux tree appear as a real tree. If the only part of the monopole that can be seen by the general public driving by is the very upper portions, this is the portion of the faux tree antenna facility that would be enlarged and changed over the existing conditions and would be the most visible. This change would represent a significant change to the existing viewshed and not for the better, particularly since the existing monopole facility does not generate significant visual impacts.

Moving the existing, long-standing monopole antenna support a few feet just to satisfy a 10-foot side yard setback requirement in the rear inside corner of an industrial parcel or to change it to a "faux tree" to disguise it is not justified or warranted when the facility does not create any land use conflicts or significant adverse visual impacts.

- 4. The proposed development, when considered as a whole, will be beneficial to the community, and;**

Wireless telecommunication services play an important role in the commerce and safety of a community and the subject antenna facility/proposed project has provided important communication service to individuals, businesses and emergency services for over ten years in the Kearny Mesa area of the City of San Diego. Aside from business and personal usage, wireless telecommunications have been shown again and again that they are an important personal emergency communication lifeline that certainly is a part of the public utilities and services offered in a contemporary community. The subject antenna facility has been in operation for over ten years without any land use issues in this fully developed industrial area.

- 5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.**

Although the proposed project does not include modifying the existing freestanding antenna facility to a stealth freestanding or building-mounted design as defined in the City's Wireless Telecommunication Code, the placement of the existing antenna facility at the rear interior corner of the property in the parking lot behind two-story office buildings significantly limits public views of the facility and potential view impacts. Through a "siting" solution, a design solution that is in compliance with the Wireless Telecommunication Facilities portion of the City Municipal Code (Section 141.0420(g)(2)), which reads:

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If this was a new proposed antenna facility, the effects of its installation and operation would not be certain. However, this antenna facility has been in operation in the existing condition for over ten years without conflicts or land use issues. Any existing, previously-approved encroachment into a side yard setback at the rear of an Industrially-zoned parcel, particularly by approximately two feet, obviously does not generate any conflicts or land use issues based on its over ten years of trouble-free operation.

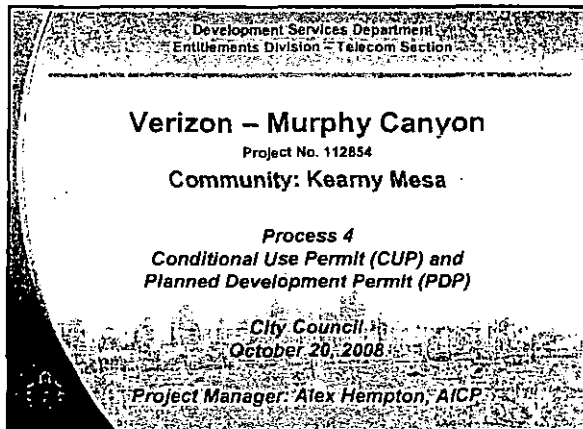
Setbacks as a zoning tool are intended to reduce or avoid land use conflicts and issues between adjacent land uses. In this instance, the side yard setback in this industrial zone is 10-feet at the inside rear corner of this industrially-zone parcel. Over ten years of operation has shown that the facility has not resulted in land use conflicts or issues with this minor encroachment into the 10-foot side yard setback in this industrial zone and as such, relief is being requested under this PDP, Process 4 to allow the existing minor encroachment into the 10-foot side yard setback in this industrial zone.

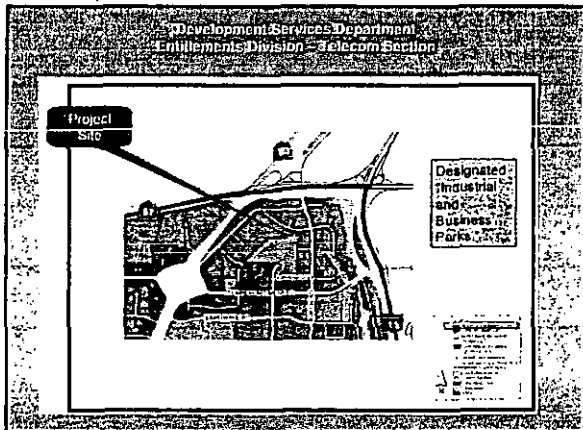
Currently, the base of the monopole is in line and adjacent to the existing trash enclosure, keeping both features out of the way of parking lot through traffic by being placed against the western wall of the property. Currently, as the photos attached to this submittal package show, the monopole poses no traffic hazards to the through traffic of the rear parking lot. If the monopole were to be move a few feet just to satisfy the 10-foot side yard setback in the rear inside corner of a parcel in an industrial zone, it would present a parking and circulation hazard to the adjacent parking space and the through traffic in the parking lot.

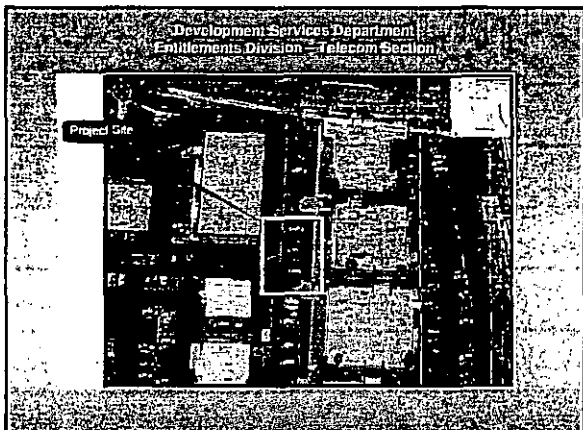
6/30/08

The antennas currently mounted on the monopole are at their operationally functional height and cannot be lowered below the 55-foot level. If the monopole was changed to a "faux tree" such as a monopine or monopalm, it would have to be higher than 55-feet to accommodate the operational height of the antennas and the extra foliage to make the faux tree appear as a real tree. If the only part of the monopole that can be seen by the general public driving by is the very upper portions, this is the portion of the faux tree antenna facility that would be enlarged and changed over the existing conditions and would be the most visible. This change would represent a significant change to the existing viewshed and not for the better, particularly since the existing monopole facility does not generate significant visual impacts.

Moving the existing, long-standing monopole antenna support a few feet just to satisfy a 10-foot side yard setback requirement in the rear inside corner of an industrial parcel or to change it to a "faux tree" to disguise it is not justified or warranted when the facility does not create any land use conflicts or significant adverse visual impacts.

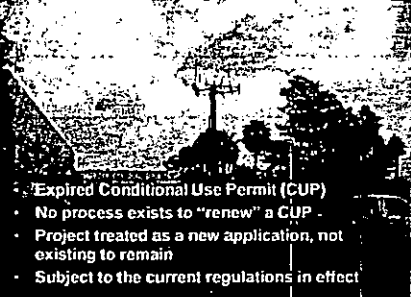






Development Services Department
Entitlements Division - Telecom Section

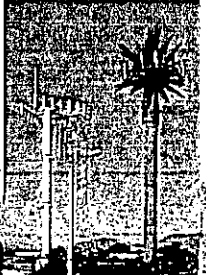
Does Not Comply with the Land Development Code



- Expired Conditional Use Permit (CUP)
- No process exists to "renew" a CUP
- Project treated as a new application, not existing to remain
- Subject to the current regulations in effect

Development Services Department
Entitlements Division - Telecom Section

Hearing History



- June 5th - Planning Commission heard item and continued so Verizon could return with a project that complied with regulations
- July 10th - Planning Commission (PC) - Verizon presented project with no changes; PC approved project as a retrofitted pole as a "monopalm"
- July 24th - Verizon appealed PC decision to City Council

Development Services Department
Entitlements Division - Telecom Section

Community Planning Group Recommendation

The Kearny Mesa Community Group voted 3/21/07 to approve the project, 12-0-0, as presented.

